

Natura breuiū

newly corrected in Englyshe,
with dyuers additions of Statutes
made, rules, pleas, in abatements of the
sayde wyntes, and their declayn-
ours, and barres to the same ad-
ded and put in theyr pla-
ces moſte conue-
niente.



1543

Land	100
Gravel	100
Clay	100
Stone	100
Total	400

34

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It is sayde, that there
 is a wyse of ryght patent,
 & a wyse of right close. A
 wyse of ryght patent shalbe
 first brought in þe court of
 the lord, of whom þe land
 is holden (if it be holden of any other
 of the kyng.) And if it be holde of þe kyng
 than it shalbe brought in the court of the
 kyng. And knowe þe that this wyse may
 be remoued out of the countre of the lord
 into the counte by a Writte out of þe counte
 to the comon banke by a Writte (if the de-
 mandant that will.) And for that this
 clause is put in the wyse of ryght pa-
 tent. Et si illi feceris distingas falls co-
 munitatis faciat. &c. For the wyse shalbe
 all tymes in the custody of the deman-
 dant, for that, that if the lord and the
 thyrple will not to vñ do ryght, he may
 remoue the plee into the comon banke,
 as is afore sayd, not putting cause in the
 Writte. But in case þe it be remoued out
 of the counte into the comon banke by a
 Writte at the sayde of the tenaunce, it beho-
 ueth to put the cause in the Writte. As it
 appereth plainly in þe Registre. And also
 he sayd plee may be remoued out of the
 court of the lord immediatly to the com-
 banke by a recoydare wñch cause, at the
 A. y. sayte

Writte of the tennaunt. And knowe ye, that
this writte hath but two issues, and y^e is
to say, toyning the miles vpon the mere.
And that is to put him selfe in the great
assise of our soueraygne to be the king
or to toyne bataille, and that shalbe in the
election of the tennaunt. And sa3 that it
be comth that the demaundaunt haual
tymes his champion reb3, or els he may
be disceiued. And when bataille shal be
toynd, and when great assise. Loke in y^e
treasurie of the great assise to be chosen a-
mong other statutes. And it is said, that
a dede of the auncestre with a warrantie
is a barre, if the demaundaunt by3ng this
writte of his own possession, and not of
the possession of his auncestre, for that
that he may not toyne the issue as befoze
is laide. And the iudgement of this writte
is synall. And knowe ye that it is no ple
in this writte to saye that the tenant be-
foze this tyme recovered agaynst the de-
maundant by action tried in any other
writte then a writte of right.

¶ Addition.

¶ Knowe ye, that if the ple be remoued
by a Wone out of the countie into the co-
mon banke, it is not necessary y^e the Wy-
ryfe retourne the Tolte by which y^e ple
is remoued out of the courte of the lord
into the countie. For that, that the ple is
come

come into the baile by a warrant which
come to the shyppe fro thence, which is
more hie then the Tolve is,

Knowe ye, that a recouere in a Cella- M. 31
uit against the demaundantes selfe, is a C. 1.
good barre in a wytt of ryght. And that
is by reason of the stat of Glouc. cap. iii.

But knowe ye that a recouere in a M. 3
syle agaynst him selfe is no barre. C. 2.

And knowe ye, y these persons shall M. 9
ioyne the mysle in a wytt of ryght. An
infant shal iojne the mysle and tye it by
batayle. And the tenant for terme of lyfe
shall iojne in this forme, that is to saye
that he hath better ryght to holde for ter-
me of his lyfe the reuercion to one such.

The husband and the wyfe shal iojne M. 41
the issue as in the ryght of the wyfe, & the C. 2
iugement shalbe y the husband & the wyfe
& the heyres of the wyfe shall holde quyte
of the demaundantes & of his heyres.

A Prebendarier shall be iojne the C. 3.
mysle by his attourney. C. 3

The husbunde & the wyfe were recei- P. 31
ued for default of the tenant for terme of C. 2.
lyfe and they ioyned the mysle in suche
fourme that is to say that the tenant for
terme of lyfe hath better ryghte to holde
in the right of the husbunde by a gratune
made by the husband & his wyfe by fine
(sauyng the reuercion to them) than the

28.22

C.3.

D.8.

E.2

Natura

demaundaunt barh. &c.

And if a writ of ryght be brought against foure, every one of the toyne y mise

And if a person toyne the myle wyth out pratyng in ayde of the patre and the ordinary, and after make default wherby the demaundaunt do recover, his successour shall haue for that default, one Juris herum. &c.

And knowe ye, that the parties after the battayle toynded shall fynde suerte for their champions, that is to save pledges for every one of them but first the tenant shall fynde suerte, but these champions shall not be demaunded vpon their suerties founde, as if they were let to maynpriise, therfore enquyre the diuersite.

And knowe ye, y it is a good chalenge to say y the champion is a byllayne.

And knowe ye, that these champions shall be apparelled with whyte lether, & a cote of red Sedale paynted w the armes of h^r master, if he haue arms, & a knight shall beare his staffe, & a custrell his target, whiche shall be of the coloure of his cote. And if the champion be at the barre his target shall be cered to the backe of the champion, so that the chiefe parte of the targete passe the hiest of his head, and it shall be holde to the backe of the champion as longe as he standeth at the barre and

Quare.

F.1.

D.6.

D.29.

E.3

R
liber
C
aud

brentum.

Fol. lxxx.

then the iustices shal charge the parties
ppncipally to suffer the harnes of theire
champrons to be safely kept in a place.
And these Justices shal loke that ther be
no maner of fraude, noz disceit entred.
And if defaut be found in the harnes, as
rolles of prayers, or saynctes, or other
thinges lyke, it shalbe amended. And the
targetes shalbe of one length & breadth.
And also theire staves shalbe of one lēged
that is to say fyue quarters, & these two
shalbe put out of theire harnes.

¶ The wypte is suche.

HENRICUS octavus dei gracia, Anglie Rex
et Hibernie Rex, fidel Defensor et in
tra Anglicane Ecclesie et Hibernie Sup
mum capud balliis suis de A. salutē pcpimus
vobis: q sine dilacione plenum rectum teneatis
A. de B. vno mesuagio cum pectis in D. q plas
mat tenere de nobis per liberum servitiū vntos
denarij per annum pro omni servitiū: quod m.
R. ei deforciat. Et nisi faceritis vic, Duth far.
Ne amplius inde clām audiamus pro defectu
recti, teste me ipso apud westm. 11.

¶ A wypte of ryght in Lon
don is suche.

REX 11. MAIOR et vic, London salutē pcpimus
vobis, quod sine dilacione pleni
rectum teneatis A. de vna Mopia cum pec
tis in London, quam clamat tenere de nobis p
liberum servitiū vntos denarij per annum quā
b. C. ei deforciat. Ne amplius inde clāmorem
audiamus pro defectu recti. teste. 11.

A. lxx.

A wypte

A Wryt of ryght in London (wiche
is dyrected to the mayre and to the
shyrriffe of the same cite) shalbe open and
not close, for that, that it is as wel direc-
ted to the mayre as to the shyrriffes. And
for that, that there shal not be sayde. Et
nulli feceritis viceromes Such fac. for the
pice shal not be remoued from thence.
But in case y the tenant bouche a foze in
re warrantie in the sayd cite. Then the
sayd Mayre & the shyrriffes shal adioune
these parties before y Justices of the co-
mon banke at a certayne daye. And shal
sende the recorde (which is before them)
to the said Justices. And whē they haue
determined the warrantie, they shal re-
sende the sayd recorde by a wryt of iuge-
ment, and commaunde the sayde Mayre
and shyrriffes that they shal procede to y
ple in the sayd cite. For y Justices hath
no power to procede after the warranty
determined. And the Mayre & shyrriffes
hath no power to make pces against the
fozme which is bouched. As it appereth
by the statut of Gloc. Cap. xii. which be-
gynnieth (Parueuue est enlemente que si
homo soit enpled. &c.) And know ye that
where the kyng hath graunted fraunchi-
ses to the cite of London, or to any other
towne that they shal not be enpleded of
landes or tenementes with in their fran-
chyses

chyles, no of any other thyng out of the same fraunchyse, they maye haue a byll whiche is called Freshfoize in the nature of assyle of novel disseison. Moxes. or intrusion. But it behoueth that it be brought within. xl. dayes after title gotten, and if not: the it behoueth that the sayde Cptelyns haue other wyttes out of the Chauncery into the hustunges of London & if a soeyne byngge assyle or other wytt of tenementes in London, or in other towne franchysed recouruable befoze the Justices, Then the baylyfe of the fraunchyse may come and demaund knowledge of the ple by a wyttre of the kyng, and they shal giue a certeine day in the fraunchyse and then are they of y fraunchises as Justices of the kyng. But all maner of ples personalles, as Dette Trespas, or couenaunces may be pleded in theyr fraunchyses by pleynt without byngynge any wytt at the comon lawe there they may demaunde theyr knowledge and franchise: be supra. But knowe, that if the fraunchise be not demaunded in tyme, that is to say, yf proces be sued vnto the exigent, the fraunchise shal not be allowed. For that, that in such case y fraunchyse may not make ryght accorde to the proces awarded in y court of the kyng. And also in a Quare impedit

Statute

dis though the fraunchyse be challenged it is not allowable. For that that the execution of that, may not be awarded in a fraunchyse. And also in a ple of lande, if the tenant make defaute, then the Steward, or the baylyffes of the fraunchyse at the graunde cape retourable shall not haue knowlege for that that he may not geue iugement vpon the defaute recorded in the court of the kynge. As appeareth. Villar. ii. c. iii. in the begynnynge.

¶ It is to be knowen, that every wyte whiche toucheth free holde in London ought to be directed to the maire and shryffes of London. But all other wyttes which are at the comon law in the same cytie, ought to be directed to the wytyffes onely.

¶ A wyte of ryght of dower.

A wyte of
ryght of
dower is
suche.

Rex salutem. Precipimus utique plenius recte teneas D. que fuit vxor. C. detestata pte vnus messagium cum pertinentiis in A. qua clamat tenere de te. f. de vno in dote per liberum seruicium tercie partis vnus donari per annum pro omni seruicio quod h. et doloceat. Et nisi. re. ne amplius. re. Certe. re.

This wyte of ryghte of Dower lyeth where a woman hath receiued parte of her dower, and she wyl be maunde the rement agaynst the same tenant in the same town she shal be compelled to the foresayd wyte & the said wytte shal be

shalbe directed to the heyre oz hys gar-
dyn (yf he be inwarde) But if the heyre
be in so greate pouertie that he hath no
court, then it shalbe directed to the cheyl
lorde for defaute of the heyre. And this
wrytte is remouable (yf the Lorde wyll
not doo ryghte to the partye) as afoze is
sayde in a wrytte of ryght Patent. And
whers a womā is endowed and after is
diseased, & the disease for continueth long
hys possession, and after the woman put
teth hym out, and the diseasour doth re-
couer by assyle the woman hath no reco-
uer, but by a wrytte of right of dower,
as it is sayde. And knowe ye also, that yf
the woman hath recovered parte of her
dower, and part fro her be defozced, oz if
she recouer al her dower save a certayne
parcel there to belongynge, in these two
cases the woman shalbe compelled to de-
maunde it, by a wryt of right of dower.
And knowe ye, yf enery maner of Baile-
wyke, oz offyce, in whiche the husbāde
of the wyfe hath fee, which Baylewyke
oz office the wyfe her selfe (oz any other)
in her name maye suffyciently kepe, in
al suche offices, oz Baylewyke, she shal
haue dower. But if it be the office of the
Stewardshyp, oz Marshallshyp of Eng-
lande, whych the two offyces she can not
(by her selfe nor by deputye) take hypon
ther,

10. 107 Statute
therfore she shal not be endowed of them
¶ Knowe ye, that a woman shall have
a wyette of ryght of Dowry of the halfe
after the blage & cossome (as in kēt) and
other suche places called Ganelkyn.
But yf the womā comytte fornycation,
oz take a husband, she is barred of al her
dowry. As it appeareth by the statute of
Prerogativa regis in the ende Ca. xvi.
But yf she wyl lyue without a husband
she shalbe endowed of h̄ halfe of al h̄ lād.

Addition.

D. 2.
E. 2.

¶ Knowe ye that a womā shall not have
dowry of Estovers, that is to saye Hus-
bote, & Heybote, belōgging to the frehold
of her husbānde, For h̄, that yf her hus-
bānde had ben deforsed of the profyte, oz
his heyre of two ytes, none of the shulde
have a Rec. qd reddat. For if the wyfe
shulde have a Recipe qd reddat the heyre
shulde have it also, so h̄ every of the shal
have as much as the husbānde had, And
for that suche profytes may not be pted,
as charcoles in the wooddes of another.
¶ Be foster in fee, ne chāberlayne. And yf
suche profit discende to syne parceners,
every one shal not have such profyt, but
one parcenier shal have h̄ hole profyt, and
these other shal have a lowance. And so
the wyfe shalbe allowed for her dowry.

¶ A wyette of dowry.

wherof

R wherof she hath nothyng. **Ex vic. Quid salutē. Recipe .i. q. iube. .i. wyrt of**
re. reddat .i. q. fuit broi. L. rationabilem right of do
dotē sua. q. cā contingit delibera. tenemē wer wher
to quod fuit predictē. L. quondū vici sui in p. of the hath
vnde nihil habet ut die. Et vnde queritur q. p. nothing is
vici sui. q. ei de foras nisi. re. such.

Thys wytte of Dowry, vnderstod
habet lyeth in many maners, that
is to say, yf a man marry a woman
generally spekyng nothyng of dowry
than after the deathe of her husbando, the
wyfe may recover the thyrde parte of all
such landes or tenementes whych were
to the husbando durynge the marriage be-
twixt them (by this wytte asforesayd).
But if she hath receyved part of her do-
wry of one man of those landes and tene-
mentes in one towne, yf she wyll sue for
the remenaunt whiche is bound agaynst
the same tenant of those landes and te-
nementes in the same towne. Then she
is put to her wytte of right of Dowry &
not to the foresayd wytt. And p'p'ces is
graunde Cape, and pesti Cape.

¶ But know ye, that if a man be leysed
of foure acres of lande in one towne and
take a wyfe : and make a lease of one acre
for terme of yere of the lesse, & hath wyfe
and byeth leysed of these, iii. acres, & bys
byeth

310. 1076. **Paru**
heyrz entreteth and endoweth his mother
of these thre acres & after the tenant for
terme of yers dyeth, and the issue entreteth
(as in his reuercion) now & wyse shall
haue a wyfe of dower vnder. Althil habet
of the acre whiche was lesked, and not a
wytte of ryght of dower, for that, that
the heyrz was not tenant of the fre hold
of that acre whē he endowed his mother
of these other. iii. acres.

¶ Another case is, whan a man hath ma-
ried a woman and she is endowed at the
church doze of certayne landes and te-
nementes in a place especial in this case
thoughe the husband haue moze or lesse
whan he dyeth she shall reouer by & for-
sayde wytte all those landes and tene-
mentes which were to her assigned at &
church doze in name of her dower. But
if she wyll she may refuse this assignmēt
& take her dower at the comon lawe.

An. 4.

C. 3.

1076. 1077.

¶ The thyrde case is suche. When the
father graunteth to his sonne to endow
his wyfe of al such landes & tenementes
that to him ought to descend by the lawe
father, & after that the sonne dyeth, the
wyfe shall reouer the thyrde parte of all
the fathers lande. But in this case some
men saye that yf the wyfe haue no wyte
tyng of this endowmēt she shall reouer.

Nota.

¶ And note ye, that the wyfe shall be en-
dowed

byentum.

Fol. biff.

no fa ipu

behold of landes and tenementes which
her husbände had in fee simple: or fee
simple. But in some case the wyfe shalbe
endowed where her husbände was not
seised, ne neuer in possession. As yf my
father dyd seple of certayne landes and
tenementes in hys demeane as of fe, and
no man entred in the lande, and I dye,
my wyfe shal be endowed, and that in
favour of dowry, and yet I was not sei-
sed of the land.

¶ And knowe ye, that in these cases for
solowinge, the wyfe shal not be endowed
of landes or tenementes, in whiche her
husbände was seised in fee simple, or fee
simple byepnge the marriage.

¶ As yf lande be gyven to hym and to
hys wyff, and to the heyres of the wy-
ffs bodies begotten, in this case the
conue wyfe shal not be endowed. Or if
husbād comitte felony, for the whiche he
is attayned though after the said attain-
der he purchaseth his chartoure of pardon
of all these landes wherof he was so sei-
sed before the sayd attaynder. Wherof he
has purchaseth by the husband after that
he hath his chartoure of pardon, she shal
have dowry. Or in case that my ancestor
holdeth certayne landes of y^e kyng in chiefe
and dyd seple, yf I entre into my heri-
tage without proces of the law, and dyd
seised

Nota.

seyled before that I have a charter of
pardon of h kyngs for my entree, my wyfe
that not be endowed of the lande. Take
in prerogativa regis. Cap. xliii. D; in
case p tenementes be recovered agaynst
the husband by action tried. D; by ac-
tion agaynst her husband rightfully with
out assent or collusion pleded and iuge-
ment of the court. D; yf perpetual her
wylle be had betwixte the husbunde and
his wyfe. Except it be because of chastite
D; if she go away fro her owne husbunde
with another man and not reconciled by
her husbunde of her good wylle without
coherce of holy church. D; yf her hus-
bunde be byllayne. D; yf her husbunde
dye within age of .xii. yeres. D; yf a ma-
riage his wyfe. D; yf her husbunde lose
his lande by batayle, or by grete Assise
D; yf the husbunde haue but estate for
terme of yere or for yeres.

¶ Knowe ye that a woman shall not be
endowed of the gooddes of her husbunde,
for the husbunde maye sell them or gyve
them at his pleasure.

¶ A woman shall not be endowed of
conuers: that is to saye. Houshold, hel-
dore for that, p yf the husbunde had been
deposed of all, or the beyre of .ii. partes,
he shulde not haue had a pcpo quod red-
dat, as is before said in a wright of right

D. 7.
D. 4.

D. 7.
C. 2.

of dower.

In these cases beforesaid and in many other mo: she shall haue no dower, ne recouere by the sa:de wytte.

And knowe ye, that by the statute of Mertone. Capi. i. The wyfe shall recouer damages in the sayde wytte: for the landes of whiche her husbände dyed sepled, Except the tenaunt come into the courte at the first daye, and say that he is redy to yelde to her dower.

And knowe ye, that this wytte shalbe maynteyned against whome soeuer be in possession of the landes and tenementes whiche were to her husbände after the espouselles, in what maner so euer that he is in possession. But the wyfe shal not recouer damages in these wyttes, but for landes and tenementes whereof her husbände died sepled.

And knowe ye, that in these cases fo: Nota: lowyng, the wyfe shalbe endowed of landes o: tenementes, in which her husband was sepled in fee symple, o: fee tayle, durynge the mariage.

Knowe ye, that a woman shalbe endowed of a byllayne in grosse, and the wytt shalbe de Libero tenemento. E. 2.
D. 2.
E. 11.
D. 4.
D. 22.

Knowe ye, that a woman shalbe endowed of a rent charge. E. 4.

In a wytt of dower, the tenaunt sayde B. 1. that

Statuta

that her husbände was neuer sealed. And the demaundant sayd the L. father of the husbände of the demaundant died sealed, by force whereof those landes dyscended to her husbände, and he died befoze anye other esttraunger entreth. And so sealed and of such estate. &c. of this season in law the wyfe shalbe endowed.

¶ The graundfather, father, and the son. The grandfather holdeth of the king, and dyeth, the father beyng of full age, having a wyfe and dyeth, befoze that he sue lyuerie oz entre: bys heyze within age. The eschetoure doth lease the son, & committerh that warde of the body and lande to a straunger, in this case the wyfe shalbe endowed, and the wyette lieth againste the gardeyne. But if the father had entered, and dyed befoze lyuerie sued, the wife shall not be endowed. For the statutes: Nullum accrescat ei liberum tenementu, prerogativa regis. Cappitulo. xij.

¶ Kent was graunted to a man in fee, & he toke a wyfe: and befoze the day of payment he dyed, and the wyfe broughte a wyette of dower, & the tenaunt sayde, that her husbände was not sealed duryng the espousels. In this case the demaundant maye maynteyne that her husbände was sealed, and she we the speciall matter in eydence, for she shal not have the special matter

105a

4. 29.
13. 6. et
29. 3. 8.
C. 3.

C. 11.
13. 4.

matter by way of plee.

Tenaunt in the generall tayle, made a **W. 41.**
feoffement in fee, and toke estate agayne **E. 3.**
to him and to his wyfe in the special tayle
and hath issue and the wyfe dieth, & after
he toke an other wyfe and he dyeth. The
seconde wyfe shall recouer the dower, for
that, that her husband was seased of such
estate. &c. But he shall haue the auermet
that her husbände continued his estate
befoze of the tayle.

Wowe ye that if I enfeoffe one vpon **E. 34.**
condicion that he shall enfeoffe another **E. 3.**
mā befoze such a day, in this case though
the same daye he make the feoffement yet
his wyfe shall be endowed.

If lande be recovered in value agaynst **E. 5.**
the husbände because of a warrantie made **E. 3.**
by his auncestre afoze the mariage, yet
the wyfe after his death shall be endowed.
For the husbände might haue aliened the
land befoze that he was vouched, & the he
should not haue yelded in value. And by
consequence the title of the wyfe is elder.
For the tyle of him whiche voucheth be-
gynneth but the daye of the voucher.

If the heyre after the death of hys fa- **W. 22.**
ther enter and take a wife, and after doth **E. 3.**
endowe his mother, his wyfe shall be en-
dowed of that parte whereof that his mo-
ther was endowed befoze. For that, y he
was

Statuta

was leased of the same lande one tyme in fee. And if the lord purchase the demeane and after the meane dyeth. And the wyfe recover her dower by wytte, she shal not pay the thyrde parte of the rente. For by the purchase the rente was extinguisshed. And not withstandinge she shal recover her dower, yet he may not answere, for she is not tenaunte.

¶ Lord, meane, and tenaunt are, the tenaunte holdeth of the meane by a peny, & the meane holdeth over by. xx. d. & meane releaseth to the tenaunt al the ryght that he hath in the lande, and the tenaunt dyeth: his wife shalbe endowed of the land. And she shalbe attendaunt to the heyre of the thyrde parte of the peny & not of the thyrde parte of the. xx. d. for she shalbe endowed of the best possession of the husbände.

¶ If I geue lande afore the statute, or at this daye to a manne in taylor to holde of me by a peny, and after his discease, his heire to pay to me. xx. d. for ever, he dieth, his wife is endoweth of the lande, she shal be attendaunte to the heyre of the thyrde parte of the. xx. pens, for it is all one rent, and of the same rent the lande is charged by condicio in dede, and she may not have acquitaunce of the heire, for that that the lande is charged by the dede of the father, of whose possession she claymeth the dower.

In

In a wrytte of dower brought against the Gardeine, he alegeth that the hath taken away the enfant whiche was in his warde, and demaunde iugemēt of dower aloze restituciō, and that was a good plee and if the make not restituciō of the enfant in lyke plyre as he was when he was taken away, the shall not haue dower.

In a wryt of dower the case was suche. **B. 6.**

The father and the son are, the father is sealed of thre acres of lande, the father dyeth, these thre acres descend to his son,

the sonne taketh a wyfe, and endoweth his mother of one acre in alowaūce of all her dower, this dower of olde tyme deserued, is a good plee in barre (if the wyfe of the son do hyng a wryt of dower of that acre against the mother) notwithstanding the endowment against common right.

In a wrytte of dower brought against a Gardeyne, whiche say the that the wife

witholdeth chartours and manimentes, concernyng the heritage of the Infante that is in his warde, and if the woulde to hym haue deliuered the chartoures, he was redy to yeld dower, and for that, that the delyuer of the chartoures belongethe not to the Gardeyne: the shall recouer.

So it is thoughe that this plee lyethe not in the mouthe of any man to pleade, but onely in the mouthe of the beyre.

Natura
TA Wypite of Admesure-
 ment of dower.

A wypte of
 Admesure-
 ment of do-
 wer is such

R Ex vi^o salutē. Questus est nobis w. filiet
 he^o is. vel frater vel consanguineus et he^o
 B. q. A. que fuit vxor C. plus habet in do-
 tē de libero tenemento quod fuit p^odict. C. quon-
 dam viri sui in A. quā habere debet et ad ipsam
 pertinet habend. Et ideo sibi p^oceptimus q. iuste
 et sine delatione admesurare fac^o dotē illā. Ita q.
 p^odicta A. nō habeat plus in dotem de hereditate
 p^odict w. quā habere debet et ad ipsam pertinet
 habend scdm rationabilē dotē et quod p^odict^o
 w. habeat re dotē illā id q. habere debet et ad ip-
 sum pertinet habendum. Ne amplius. &c.

This wypte of admesurement of do-
 wer: lyeth agaynste the wyple. And by
 the statute of Westm^o, second Capit. vii.
 whiche begynneth. Custodi de cetero. &c.
 it is geuen as well for the gardeine as for
 the heire, but the heire may not haue this
 wypte befoze that he bee of full age. And
 also he may haue a wypte to remoue this
 wypte out of the countie into the commō
 banke. And knowe ye: that proclamacion
 shalbe made in this wytte of Admesure-
 mente, and other wyttes, as is conteyned
 in the sayde statute, and therfore looke
 the statute. And knowe ye that the wyple
 of the tenant whiche holdeth of the kyng
 in chese, maye not enter in her dower, be-
 fore that she hath receyued her dower by
 assignement of the kyng. And if she maye
 with

hzenlum.

Fol. xli.

Withouth lycene of the kyng, she shal make fine. And whē she hath her dower assyned she shal swere that she shal not mary without licence of the kyng. And if she marie without licence (vt supra) then the landes that she hath in dower shalbe take in the bande of the kyng for the trespas. Ut. p. in prerogatiua regis. Capit. liii. And she shal make oth (as is aforesayd) & with that accordeth Magna carta cap. vii. which be ginneth. Vidua post mortē mariti sui. &c.

¶ A wytte of ryght, de

Rationabili parte.

Rex A de B. salutem p̄cē tibi plenū rectū teneas L. de B. de vno mēā cū p̄m in L. de dōn. quod clariū esse rationabilem partem suam, que tūm contingit de libero testō qd fuit p. p̄tis, matris f̄tis, vel sororis sui vel sue, et teneat de te per librum seruiciū quartē partis vni⁹ denarii per annum p̄s omni seruicē quod G. et desorreat, et ne feceris, &c. nisi amplius. &c.

This wytte of right de Rationabili parte: lyeth all tymes betwixt p̄ueus of bloude, as betwixt brothers sisters, newewes, oz neces, and not betwixt straungers. And if it bee broughte betwixt straungers, the wytt shal abate. And also it lyeth where myne auncestours dyed not sealed, as if any mā whiche hath many cohepyres make a lease for certayne lande, rente oz tenemente, for terme of

B. iij.

lyse

¶ This wytt of
ryght de
rationabili
li parte is
suche -

Natura

lyse of the lessee, or for terme of an others lyse, and dyeth before that the reuercion of the sayd landes be to him reuerted.

And after y the lessee dieth or he for whose lyse the lande was let, and one of these coheyrres (to whome the lande oughte to reuerce) doth entre, and holdeth al the other coheyrres out, then they which are holden out, shall haue the sayde wyrtte agaynst that coheire that hath entred into the hole lande. And knowe ye that this wyrt is a wyrtte of ryght parente, but it shall not be tryed by battayle, or graunde assyse. And this wyrtte lyeth not betwyrte parentes whiche claimeth by discente (after that it passeth the thyrde degree) but it lyeth betwyrte bretherne and systerne where the one claimeth by chartour, and the other by discente, for this wyrtte is not ordeyned, but for to trye the prynciple of bloude.

Proces. And the proces is a Somons, & if he make default at the Somons retournable, then the graunde Cape. But if he come at the Somons retournable and after make defaulte, then the petite Cape shall be awarded. But if the parties come and pleade to issue, then the proces is against the Jury Venire facias, Habeas corpus, and a distresse, vntyll they come. Also there are other wyrttes, as of Elchete, Droit sur dysclaymer, Meane, Cellauit, Droit de garde

garde, which are called wyettes of ryght
bycause that they are taken by reason of
the seygnoye: and not bycause of disseisin
to hym, nor to theyr auncestours.

¶ Item if a man hath issue. ii. daughters Nota.
by dyuers women, and dyeth, they entre
and make p[ro]p[er]tie betwyte the, yf the
one dye without heyre generall, or specy-
al: her parte shal eschete to the lord, and
shal not discende to her syster of the halfe
blonde, but yf that syster haue an vn-
cle, the lande shal discende to the vn-
cle, and if the vn-
cle dye without heyre of his bodye, the
lande shal discend to the other sister whi-
che was of the halfe blond, et cōtra Que-
re hoc. ¶ If a man haue issue two sonnes by Quere.
dyuers women and dyeth, the older dothe
entre in the lande, & dyeith without heyre
of his body, the lande shal discende to his
vn-
cle. And yf the vn-
cle dye without heire
of his body, the lande shal discende to the
yōger brother, as colin and heire to him.

¶ A wytt of ryght close. A wytte
of ryght clo-
se is suche.
Rex balluiss suis de A. saluam p[re]ter vobis
& sine dilattione et secūdu[m] cōsuetudinē ma-
nerii n[ost]ri de A. p[re]sentē rectā cōueni[ent]i. B. de A.
de vno meluagio cum pertinētiis, L. quod ei desoz-
riat. ne amplius. &c. ceste. &c.

This wytte of ryght of close (which
is called after the custome of the ma-
ner) shalbe al tymes brought in the
courts of auncient demeane. And euery,
wytt

Statuta

Wzpte (that is sued vpon the custome of the maner) is called a **wzpte of ryght close**. And this **wzpte** lyeth alwayes betwixt **Sokemen**, which are of auncyent demeā. And know ye that a **Sokeman** is properly such one that is free, and holdeth of the kynge (oz of any other lord of aunciente demeane) landes oz tenementes in villeinage, and is pziuiledged in this maner, þ̄ no man ought to put hym out of his landes & tenementes, as long as he is able to do his seruices, whiche to his landes and tenementes belōgeth, no mā may encrease the seruices of his tenant, noz contrayne hym to do mo seruyces, then he hath done in tyme past. And for that these **Sokemen** were gainours of þ̄ lordes landes in auncient demeane. And they ought not to be somoned, noz trauayled, in Juryes noz enquestes, but in the maners, to whome they belonge. But yet in pless of trespass, Det, and other personal actyons they are somoned as other people. And of these tenants in byllinage, loke the fyrst Statute of Ryc. the. ii. Capit. vi. And ons **Sokemā** may not implede another of landes & tenementes within auncient demeane by anye other **wzpte** then this **wzpt of ryghte close**. And in this **wzpte** the demandante shall make his protestacyon in the courte, to sue his **wzpte** in the nature

bzenfum.

Fol. xiiii.

ture of what wytte that he wyll, as by
cale lyeth. And knowe ye, that this wytte
shal not be remoued: but for a great cause
that is to say, whē the courte lacketh the po-
wer or for that, that he sayth that his fa-
ther was escheffed by our souerayne lord
the kynge, and sayth that he maye not, ne
ought not (without the kynge) make an
swere. Or he sayth that he holdeth the te-
nementes (which are in demaunde) at the
cōmon law, by line leuyed in the court of
the kynge afoze suche Justices, & for that
the plee maye not be sued for the by this
wytte of right close in the court of aun-
cient demeane, & many other causes are,
wherby this wytte may not be remoued
by the Recordare at the sute of the tenāt.
Knowe ye that all those landes or tene-
mentes which are in the hand of the lord
of auncient demeane, are franke fee, and
pleadable at the cōmō law. And al these lā-
des & tenementes which are in the hādes
of those tenautes of aunciente demeane
are pleadable within aunciente demeane
and not in other places. And knowe ye, &
the demaundant in this wytte maye not
remoue the plee for cause, nor withoute
cause for that, & he may not haue a Colte
to put it into & counte, nor remoue & plee
out of & counte into the cōmon bāke. But
if he complayne that ryght to him is de-
nyed

Natura

nyed oꝛ delayd in auncient demeane) And then he shal haue a writ out of the Chauncery to the shyppe of the same countie, commaundynge him that he go in his propre person, takynge with him foure knyghtes of his countie, and go to the sayd court of auncient demeane to se that ryght to him be done. The demandant also may haue other wyttes to helpe hym as it appeareth by þe Registre. And also the tennaunte maye haue a Superlédias, in case that he bouch a foreyne to warrantie in the court of auncient demeane. And by þo that one attachment (yf nede be) And in case, that þe sayd landes in auncient demeane be solde by fyne without lycence of the lord. he may haue a writ of the Chauncery, for to adnuyl þe sayd fyne (As it is sayd) oꝛ other wayes, he may haue a writ of dyscepte agaynst his tenant that hath leuyed þe said fine, & recover hys damages. vt discitur. &c.

Addicion.

¶ And note, whiche are good causes in the writ to remoue one matter out of one perticuler court into the kinges court. &c.

¶ Know ye, þe it is said in Aylse brought by þe Abbot of. C. &c. that it is good cause to remoue the ple, to say that the bayly is seruant of the pleyntyfe. And it was said that if one ple be remoued out of þe court of one lord, for one cause, þe cause is tra-

uersable

byentum.

Fol. xv.

uerfable but of one plainte out of þ̄ coun-
terwyle is. Quere the dyuerfite.

Quere.
D. 12.
D. 4.

In aſſyle of freſheforce broughte in
ancient demeane, the tenaūt ſued a recoz-
dare to the ſhyriffe, for to remoue the plea
and the cauſe was that the baylyſſe had a
liuerie of þ̄ plaintiffe, and the plaint was
of the treholde. And it was holden that
this cauſe was not ſuffyciente, to put the
court out of Jurisdiction, for the iudgmēt
belongeth to the ſutours & not to the bay-
lyſſe. And not lyke to one recozdare, to re-
moue one plea into the countie, & to ſhew
that the ſhyriffe hath a lyuere of the plain-
tyſſe there the plea ſhall not be demaunded
for that, that the one and the other are the
courtes of the kyng.

A wyrtte of ryght of Pre-
cipe in Capite.

R Ex bñ ſalutē precipe A. v. iuste. sc. red-
dat B. vñs meſuagium cōperiti in C. qd
clamat eſſe ius & hereditatē ſuam et tenere
de nobis in capite. et vñde querit: quod predict⁹
A. i iuste deſorceat, vt dic. Et niſi fecerit, & p̄dic-
t⁹ B. fecerit te ſecuri de claſſi ſuo p̄ tunc ſum.
sc. qd ſit corā iuſtic, sc. oſenſurum quare non fec,
vt habeas &c.

A wyrtte
of right of
p̄cipe in
Capite is
ſuch.

This wyrt of ryght, Precipe in Ca-
pite, lyeth for þ̄ tenaunt which hol-
deth of the kyng in cheſe, as of his
crowne, which tenaunt is deſorced, then
he ſhal haue this wyrt, and this wyrtte is
cloſe

Patena

close, and shall be pleaded in the common
banke. For yf any tenaunte whiche holdeth
of any lord be desorced, he oughte to
haue a wryt of ryghte patēt, which wryt
shalbe determined in the court of the said
lord. And in the same maner, he that holdeth
of the king in chiefe, as of his crowne
(yf he be desorced) he shall haue a *Preceptum*
in *Capite*. But by the graunde chartoure,
cap. xlii. which begynneth. *Breue quod*
vocatur Preceptum in capite, wyl that this
wrytte shall not be graunted to any man
wherby any fre man may lose his court.
But yf any wyl haue this wryt, he shall
swere by his saythe that the tenement
(whiche is in demaunde) is holden of the
kyng in chiefe, as of his crowne, and of
none other. But yf any man purchase the
Preceptum in Capite, by false suggestion
made in the court of the king, to defraud
the chiefe lord of his court, then the chiefe
lord shal haue a wrytte to cal agayne the
plee dyrected to the Justices, that they
may enquire if the tenementes be holden
of the kyng or of the chiefe lord. And if it
be founde, that the tenementes are holden
of the chiefe lord then the demaundaunte
(yf he wyl) may byng his wryt of ryghte
patente in the court of the lord.

¶ And know ye, that if any man be esoy
ned de malo lecti in a wryt of ryghte, then

yl

if the demaundant wyl proue that the tenant is not so sick (but that he may come wel ynoughe) & the enquest fynd agaynst the sayde tenaunt, his esoyne shall turne hym in one default. And also th^e esoyne lyeth not but in a wyrt of right, where two claymeth by one dyscent. And that is ordeyned by y^e statute of westm. ii. cap. xviij. which beginneth In itinere Justiciaris And vpon that y^e demaundant shal haue a wyrt out of the Chauncery to enquire (if the tenaunt be sicke or not) And also yf the tenaunt hath demaunded licence to ryse, and to appere in y^e court, where the wyrt of ryght hangeth. And yf to hym it be denyed, then he shall haue a wyrtte (whiche is called) Delicensia surgendi. &c.

¶ Addicion.

3.7.

E.3.

¶ Then y^e lord may recouer his courtes by two other wayes, that is to say when the wyrt hangeth befoze the Justices, he may come befoze them and shew his case how these tenementes are holden of him. And if the Justice se and finde his suggestion true, the wyrt shall abate. Ut patet.

¶ Or yf the demaundaunte recouer by thys wyrtte, the lord maye after bypunge a wyrt of dyscent agaynst the demaundant and recouer his damages agaynst hym.

C. 124

E.3.

And after by petition, he shal recouer his leignozp out of the hādes of y^e king Ut pz.

A wyrt

A wyte of
Monstrance
this is such

Patena

EA wyte of Monstrance.

Rex Abbat de A. salutem Monstranciam
nobis homines, de manerio de A. qd est in
antiquo dominio corone Anglie qd in
igls ab eis alias consuetudines et alia seruicia
q facere debet et antecessores sui tenentes de eod
dem manerio facere consueuerunt, partibus quib
bus manerium illud fuit in manibus progenitor
um nostroru quoddam regum Anglie, vel in ma
nu nostra et ideo tibi precipim⁹ q a prefat homi
nibus non exigas sue exigi permittas alias con
suetudines et seruicia q facere debet et anteces
sores sui predicti facere consueuerunt repositum
predictus Et nisi ad mandatum nostru hoc feceris
etis A. vii. nro de A. id. fieri precipim⁹, teste, etc.

This wyte, whiche is called Monstra
uerunt, lyeth for the tenantes in aunc
ient demeane whiche are distrayned for
to make other seruyces, or customes then
they or theyr aunccestours made in the tyme
of Wylliam Conquerour which passeth
the tyme of memory.

And knowe ye, that this wytte shal be
dyrected to the lord, whiche demaundeth
other seruices or customes (as afoze is
sayde) hym commaundynge, that he de
maunde none other seruices et customes
but such that he and his ancestoures haue
done in auncpient demeane tenure. And
also they may haue a Monstrance dy
rected to the hyppse hym commaunding
that he shall not suffre y lord to distraine
the sayd tenautes to do other seruices
customes

customers they ought to have. And
knowe that if the tenants may not be
quiet ne peace by this writte, they may
have one attachmente against the lord,
that he shal fore the Justices of our long
reppre looke the kyng, at a certayne day
etc. And the names of all the tenants
shal be put in the writte, and all the tenants
together shall sue the lord in writte, for
if one tenant be distrained to do other
lawres or customes (then they ought to
do) that shal be in prejudice of al the other
tenants, whiche holdeth by like manner
of service. And when the boke of Donny
haye was made, that is to say, in the time
of kyng Edward the kyng, all the landes
and tenementes whiche were in his
handes, as for the time that the boke of Donny
haye was made, is called a quene's
demeane. But the landes and tenementes
whiche were in other weynes handes
are frankfees, and pleable at the common
law. And the wordes is a prohibition, one
attachment, and one distress. etc.

Audicion.
And we charge in this writte of wone
trauerut every one of them may declare
severally, and so they may not in other
writtes but in this writte. And they may
make one declaration (if they will.)
And in this writte, the death of one of these
plain.

21. 62
21. 63

21. 64
21. 65
21. 66
21. 67

21. 68
21. 69
21. 70
21. 71

21. 72
21. 73

10-10-50

Barbarians

Wayneses shall not abate the wyttie, by
the opinion of the court. For with stand-
ding that all be not named, yet the wyttie
lyeth for those that wylle sue, by Wabb. n.

SUB. VI.

6.3.

¶ And in this wyse they shal declare
of every tenure, and that the lord them
demanded for his services. And if his man
and his fraysne for, yet the lord shal
for the, and they shal put in certayne
for what fraysne he dooth, if he can the
But they ought not to allege the same
place in certayne, no more then in a
of the same, for a man that hath a
man, though he were never distressed.

10.39.

E.3.

13.41.

63.

And also it is convenient, that the plain
rite the way the manner is advised demerit
And know we, that this way is not
for the men's holochambe (in ancient
seemeth, by court rolle as the will of the
lord.

**Wipe of
Plain
Netts to
Lace.**

Regulae de p[er]mittendis et de liberis
... meto suo q[uod] debet teneri in p[re]sentia ab eo
gas vel exigi p[er]mittat confuetudines et seruicia
que inde facere non debet nec solet et nisi fa
ceret v[er]o p[er] se fieri facere ne amplius inde tene
ant pro defectu recte teneant.

This is pte of the innde beres Apell
where any lord doeth distraine his
fre tenants, whiche holdeth of hym by
certayne services and customs to do in
services

Fol. xvij.

¶ A writte of ryght: Mandado do-
minus remittit curiam suam

[illegible]

C. y.

offer

offertore quare non sit in se habens et sit in
 mihet hoth neceste et dicit capitalis dicit
 mihet hoth neceste et dicit capitalis dicit
This is to be of righte. Quia dicit remissit
 Lucus suam domino regi, both in case
 where landes or tenementes (whiche are
 within the seignorie or of any lord) are in
 demaunde by a wayte of righte. And if the
 lord holdens courts (or other wise) at the
 prayer of the demaundant, or the remant
 shall sende to the court of the kyng by
 tope, to put to the king his court for that
 tyme, sauyng so hym another, save the
 right of his seignorie. And this writ shal
 be returned before the Justices of the co
 mon Bank, and shal be close. And these
 clauses shal be put in the writ in the ende
 Post teste meipso. et dicit capitalis
 dominius leodi illius inde remissit nobis
 curiam suam. et. And the pages is a lo
 mons, graunde cape and petite cape. et dicit

**A wytte of Execution of
 Judgement**

Rex vlt. Willelmus. Descriptus tibi, q
 exequit iudicium super redditis com. et dicit
 quela fuit in comitatu super redditis in
 de recto inter pendentem et pendentem de
 mihet cum pendentem in fine delatione foris dicit
This wytte (or executione) shal be
 lpyth where any plee is pleaded and
 Judgement, and the wytte (if the plee
 be

Fol. rtr.

000000

100

A wyte of
false iudge
ment is such

This wylle De falsch iudicio, lyeth
where falsch iudgements is genen
C. lty. in

in countie, hundred, or in court Baron
then he (against whom this is given)
shall have this writte for to cause the
same to be brought before the Justices
of the banke, or in Eyre. And knowe ye
that this writt shal extend aswel to writ-
tes of ryght which are plebable in countie
or in court baron, without writte. And
knowe ye that a writt of false iudgement
lyeth not in assise of frellhe force, but a
writte of Error. And knowe ye that the
proces in this writt against the parte in
a garnishment upon his perill, & against
the hyppite, or agaynst those bayliffes
they do not the commandement of the
kinge) by writte, &c.

Proces.

C. 34

P. 6.

D. 2.

C. 5.

Knowe ye, upon which iudgementes a
man shall have false iudgementes if our
Justices be directed to the writte, to hold
plee notwithstanding it be original, &
he shall have a writt of false iudgement.
And in a writt of right, that the tenant
doth plede to thequest, and at the Wente
facias, the tenant is esloyned, & hath day
ouer, and no proces is made against the
quest, ne continued by the roll. And also
at the same day, that the tenant hath by
the esloyn he is esloyned an other time,
that is chalenged for that, this that is the
seconde day after thequest, notwithstanding

opng

brevissum.

Fol. rr.

dyng that, that essoyne is allowed. And also after such discontenance (if the pleyn ryght be nonsute in the wyrt of ryght) and iudgement shal be geuen, in all these cases he that hath a wyrt of false iudgement. &c.

¶ In a wyrt of ryght close brought in the court of the lordes, the proces doeth continue until the demandant do recouer the tenant: both sue a wyrt of false iudgement: and sheweth that the lande is holden by the herge, in which case he ought to sue by hyl, and it was awarded that he shoulde take nothyng by his wyrt of false iudgement, for that, that if this iudgement be reuerfed, that shalbe to geue a trehold to the tenant where he lost no such thyng.

¶ Tenant at wyll of the lordes (after the custome of the maner) brought a wyrt of ryght and made his potestacion to sue in the nature of assise of mortdaucestre; the proces did continue unto the demandant do recouer, & the tenant brought a wyrt of false iudgement, and assygned that he shoulde take nothyng by his wyrt: for the reason aforesayde.

¶ In a wyrt of false iudgement, if the writte retourne that he went to the court, and that the iudges sayde that here is no such plet, then there shall go out a writte alias: and not a writte to cause the sue

C. iiij.

tours

27107 Nature
sours to count but in case, where the party
will haue, that the respnde is other then
the suctours hard recorded.

And know ye, that if the suctours gene
false iudgement, without the assente of a
suctours, the party shall not haue a writ
of false iudgement, but shall haue his re-
medy (by bill) against the suctours.

Writ of Error.

A writ of
Error is
suche.

Rex hallius fuis de Oxon salutem. Quia in
recondet processu ac etiam in reddicione in-
dicti ante recte facte, que int. A et B. Cum
fuit et capta rola nobis in tertia nra Oxon sine
breuio secundo considerationem iustitie predicti
de vno hie in pectum. Quod expressum
manifestum ad graue dampnum ipsius. A fuit et
non expressum non error. Si quis fuit modo de-
bito corrigi et partibus predictis plena ac celesti-
iustitia fieri volentes in hac parte vobis per
iusticiam inde repositam sit rursus error et proce-
ssu aliter predicti in omnibus et singulis nobis
sub sigillis vris disticti et apertis iustitiae et hoc
lre ita q. in habentis a die. et. Moningre be-
spectu recorda et processu predictis plenius
de fieri rationis. de iure et legem legat colu-
tubine regni. Anglie fuerit faciendum esse.

This writ of Error, spech in case
where false iudgement is gene in the
common banks the whiche writre shall
be returned into the kinges bench, and
if the false iudgement be given in the kin-
ges bench, it shall be remedied by party
ment, or by the kinges great counsaile by
petition shewed before them. And of false
iudgement

judgement be given in the cite of London
before the Shyppes of the same cite then
that a writ of error be sent to the Maire
and Shyppes, that they redresse the sayde
iniquite before the in the hustinges nexte
to come. And yf they do not redresse the
sayd iniquite, then shal there be certayne
Justices assyned by the kynges counsaill
to tryt and saye: Martines the great bynt
Spirits, for so redresse the sayd iniquite.
And yf the defaute be founde in the sayde
Maire and Shyppes, they shal be puny-
shed for thei mysprision, by ordynance
concerned in the statute de Au. xrbiii. c.
iii. Cap. x. But in case that false judgemēt
be given, before the Maire, then shal be
made one comission to certayne persons
as sayde. And in case that any of false
judgement be returned before the Justices
of the comon banke, and the partie say that
the recorde is othe then the counte reco-
ded, the auerment shal be receiued and by
those which were present in the counte in the
the recorde was made, yf they come with
the othe of the counte by the resourne of
the Shyppes. And if they come not by pen-
quest take by the good countre. Ut per
statutum inde An. j. c. iii. Cap. v.

Comission
In a writte of Speare brought against
ii. others, the one bath illue & dieb, and
inge.

T. 16.

E. 3.

iudgement is gyven agaynst the other by
his defaulte, and the issue his uncle doth
brynge a wyte of errour for that, that the
seynhoys is departed betwixt males by
usage and assygned for. Erroure the death
of his brother at tyme of the iudgement, &
was a warded, that the iudgement be reuer-
sed, for that that the brother (in this case)
may not have a wyte of discepte for to re-
uerse that, that was lost, but onely dama-
ge, and this is errour in dede.

¶ 7.
¶ 7.

¶ One assygned erreure, that such a day
the eriget was awarded, returnable such
a day, afoze whiche daye the kynge dyed,
and he was not but two tymes deman-
ded, in tyme of kyng. Cowarde the fourth
& thre tymes in tyme of king Rycharde the
fift. and that was holden Erroure, for that
the wytte abated in dede, by the death of
the kynge. & is errour in dede. And yet
this bria wyte was not doyd for errour.

¶ 7.
¶ 5.

¶ One assygned Erroure for as muche as
after the ples soyned, and afoze the be-
dycehys attourney was deade, that was
none erreure, for that, that by his death
wytte abated not, no: the issue wayned
ne discontinued, for that, that he may ap-
pere by another attourney, or proper per-
son. And also he shall not say that his at-
tourney was deade at the tyme of his ples
for that, that it is agaynst the recozde, but
he

he shall say that another man of the same
name appeared, without that, that the ad-
tourney was of lyue. And knowe ye that
he may not assygne Erroure but in pro-
per person: *non per alium*

Erroure brought in the banke of the **D.3.**
hyng of a iudgement gyuen in a wyrt of **E.2.**
dower, and assigned for erroure, so that
that these tenants in the wyrt of dower
appeareth by attourney, where no war-
rante of attourney was entred, and pray
a wyrtte to certysse, yf any warrant be
not, & was awarded that he shall not haue
advantage to assyne that for error. And
diuerse taken betwyt erroure (whiche
is matter in dede) and erroure, whiche is
matter of recoorde. For if partye one time
sue one Scire facias, he shall neuer assyne
erroure in dede after, for yf after a Scire
facias awarded one will assine erroure, for
to aboide one belawp, to say that he was
in warre in Fraunce under such a capitaine
he shall not haue suche assygnement: for
it is erroure in dede, and not parcel of the
recoorde. And loke yf one after the Scire
facias may assyne Erroure: for to reuerse
one belawp, to say that he was not but
foure tymes called, and pray a certysse
cion. Quere yf he shall haue or not for to
certysse the exigent. *cc.*

Quere.

m. 26.

E.3.

In a Scire facias out of a recogny-
saunce

saue agaynst him the oppressed notwithstanding
that there are, deable, and these other three
come by warninge, and allegeth the death
of the other, & that they be of the same
in age, and demand iudgement (if during
they) nonage) they shalbe put to answer
upon which was a ward; that the plea
shall say. And note the plea was a writ
of error, and a signed error for that
by the recognisance of the other charged
and every one of the whole; for the which
when these three had come, execution as
gainst them ought to have been made.
Another error was so; that, that they
alleged that the heyres (of the other three)
were within age, so which plea they not
touch the merits, so that, that they are
strangers. And for the first error as was
said, that the charge falleth equally upon
all these tenants is the common, and not to
ponne it; for not withstanding that the
landes of the one were liued; &c. He shall
be answer (upon his suggestion) &c. And so
the second error was sayde that a stra-
nger may allege the nonage of an other; &
proces shall not be made agaynst him; in
whome nonage is alleged, if it be not tra-
uerse) & it was affirmed by iudgement. &c.
¶ A writte of Writ passe be broughte
agaynst many, & some appere and please
not to ple; which are founde guilty, and a
gainst

29.9.
17.5.

29.9.
17.5.

Fol. xxiii.

Quere.

19.11.
19.4.

19.11.
19.4.

A wytt of
Dedimus
potestate
de attorne
to fac is
suche.

A wytt of
Dedimus
potestate
de attorne
to fac is
suche.

The wyte of bedynnyng potestaten be
 atturnater facti, like the where a man
 is plebing in the court of the kynge, and
 may not traayle, no: ascende his place, for
 sickenes or other busyness which he hath
 to do, then he may haue the sayde wyte
 dyrected to the shyppye, or to an abbot, or
 to a priour, or to a knyght. ec. to recoz-
 de bys attourney. And it shall be com-
 manded

Statuta

manden in the sayde wytte that he (to
whome the wryt is dyrected) recourne the
sayde wryt vnder his seale, and the name
of the attourney which is receyued, that
he may be knowe in the kinges court, as
it appereth in a certayne statute. Deliber
tibus perquicendis in fine. And knowe
ye that in every ple of lande, and plec per
sonal; as well the tennant as the deman
dant, may make theyr attourneys, as the
defendant or the plaintiffe, and that before
Justices (whiche haue the power to receyue
attourney without wrytte) (yf the ple be
before the in the Chancery, or other wise
be that th all haue attourney, maye sue to
the kinges court, and purchase this wryt
of *Adimus potestatem*, as before is said.
And knowe ye that every free man, maye
make his attourney as well to make sure
in counsell, bondrede, or in court baron,
as he may pursue or defende, and that wyl
the statute of *Weston. Capi. ix.* And also
when a fre man hath noted and ordeined
his attourney in anye maner (as afore is
sayd) yet he may (yf he wyl) the same at
tourney remoue and make a newe. And
knowe ye that no man may make attour
ney in appel, as it appereth by the statute
of *Glocestre. Capi. viii.*

Adicion

Knowe ye that in appelle of robbery, the
defend

defendant pleaded not guilty & was found
guilty. & after herdite he said that he was
cleare & the plentiffe sayd that he was
Wigant. And for as much as the proces
shalbe made to the byshoppe to certify, he
was not appelled upon the principal. In
this case the plentiffe was receyved to
make an attorney on dnn. annoloo 319010

In appelle, the defendaunt was acquy-
ted, & abbettours were enquyred of, and
as it were found abbettours, by which
the defendaunt payed a dyffress against
them, and had it. And payed also that he
myght take an attorney agaynst the ab-
bettours, and so dyd.

As the appelle be acquyted by enqueste,
and the Justices hath enquyred of the ab-
bettours; whiche are founde: and there
wete to the matter within the record that
the Justices wyl be advysed of the inge-
ment the appels shalbe receyved to make
an attorney.

And we ye, that a woman maye be at-
torney for her husbände by bylled indur-
ment. A woman may not be attorney, ne
make an attorney.

Knowe ye, that the thinges belongereth
to the makinge of attorney, one is that
the attorney wyl agre to be attorney
for the parte. And another that the parte
wyl haue him for his attorney. And the
chyrde

E. 3. R.
2. R.

P. 8.
E. 4.

P. 124
D. 6.

P. 134
E. 3.
P. 1.
D. 5.
P. 7.
D. 4.

Rex solus balliuis et fidelib⁹ suis ad quos presentes littere peruenierint salutem. Sciatis q^d suscepimus in protectione et defensionem istam dilectum et fidelm⁹ J. A. qui in obsequium n^{ost}rum et p^{re}ceptu^m nostru^m p^{ro}fector est ad partes Grecie, omnes terras redditus, et omnes possessiones suas. Et ideo vobis mandam⁹ q^d ipse in Jochem terras reddit⁹ manu tenentis p^{ro}tegas et defendas et oes possessiones suas, n^{on} intres eis vel intres p^{er}mittentes iniuria, molestia dampna, aut gravamen. Et si quis eis faciat sine dilatione faciat⁹ emendare. In cuius rei testimoniu^m has litteras n^{ost}ras fieri facimus pariter usq^{ue} ad festu^m sancti Michaelis proximo futuru^m datatu^m est, volumus etia^m q^d idem J. A. siet sit quietus de oibus p^{re}dictis et querelis exceptis placitis de morte, unde nihil habet et. Quare impedit et J. A. de none distⁱⁿct^{io}ne ultime p^{re}sencacionis et attinetis, et ex certis loquelis, quas cora^m Justit^{is} n^{ost}ris tunc substit in iuribus suis somniet et c^{on}tingunt p^{re}dict^{is} minime valit^{ur}, si contigerint ipsu^m J. A. inter illud non atepi vel postquam extra terminu^m illu^m in Anglia redierit a partibus p^{re}dictis. Et c.

Protectio cum clausula volumus la volu^m is suche.

Proteccio (cum clausula volumus lieth in case where a man passerh ouer the sea in the kynges seruice vnder any lord he ought to haue the seale of his lord (wh^o he went) or a bill directed to the gardyne of the p^{re}uie seale, soz one suche that wyl go with hym in the kynges seruice and when he hath a p^{re}uie seale, he maye haue his protection graunted of the chanceler. And knowe ye, that every man wh^o the hath the protection (Cum clausula volumus) shalbe acquitted of all maner of

Proteccio (cum clausula volumus lieth in case where a man passerh ouer the sea in the kynges seruice vnder any lord he ought to haue the seale of his lord (wh^o he went) or a bill directed to the gardyne of the p^{re}uie seale, soz one suche that wyl go with hym in the kynges seruice and when he hath a p^{re}uie seale, he maye haue his protection graunted of the chanceler. And knowe ye, that every man wh^o the hath the protection (Cum clausula volumus) shalbe acquitted of all maner of

plees, except pleas of bowter. Unde nihil
habet. Quare ipse. Adisa de no. dis. Al-
time presentations, & except pleas whiche
are somoned before Justices in Cier. But
the protection shall not be allowed before
any iudge, for takynge of bycayle, or by-
enge for the byage in the seruyce, where
of the Protection maketh mencyon. By
other wayes in pleas of trespass, or con-
trades made or had, after the date of the
same Protection, as wel the statute An.
Ry. ii. Cap. viii. whiche beginneth. Item
assent. &c. And knowe ye that in case that
a man purchase this protection, for to de-
laye any plee in decept of the partie, or in
any other maner, and he go not in the by-
age, after the maner of his protection, the
partye demaundaunt, or pleyntiffe may
haue one Circioare out of the Chaucery
to the Shirisse (where suche persone dwel-
leth) for to certifie the king in the Chaun-
cery thereof, whether he be goone or not
and then if the Shypiffe retourne, that he
is not gone in the byage, but dwelleth in
suche place attendynge to his propre bu-
synes, the partye perluaunte may haue a
patent (whiche is called Innotestymus)
to al people to for adnul the sayd Protec-
tion, or other close wyrtte dyrected to the
Mayre, Shypiffes, or bayliffe, comman-
dynge them, that if the sayde Protection

be shewed before the, or any of them, in de-
laye or disturbance of the demaundante
or playntiffe, they shal take the sayd Pro-
tection, and that send into the Chawncery
for to be there cancelled, & adnulled. And
in the same maner shall the demaundante
or playntiffe haue to the Iustices of the
comon banke or other Iustices & thei shal
surce to allowe suche Protections. And y
they shall sende the Protection into the
Chawncery as afore is laid. And when any
suche Protection is shewed before the Ju-
stices for to delaye the partie (as afore is
sayde) that by the statute (de Protectioni-
bus allocandis) made in the tyme of kynge
Ed. sonne to kynge Henry, the. 3. yeres of
his reigne, is ordeyned, certayne maner
of proces, as appereth in the sayd statute.

¶ Addition.

Knowe ye y a ptection (or pfecturus)
shal not be allowed in any plee comensed
afore the date of that (if it be not in the vi-
age where the kynge goeth him selfe or o-
ther byages royall, or in messages of the
kynge for busines of y realme. An. riii. R.
li. ca. rvi. And where a ptectio shalbe allo-
wed in byage royal here after appereth.

In a Scire facias, to haue execution of
a tyme, the tenaunt sheweth a ptection
Quia pfecturus in comitina, with the
protectour of the realme and was allowed

D. y.

and

D. 5.

D. 6.

and if he go by commandement of the kynge
in message. &c. it shall be allowed.

P. 7. **E.** In a **P.** *recipe quod reddat*. A protection
E. 6. was shewed for one, whiche went with the

Erle of B. into Gascoyne, and was chal-
lenged for that, & it was not biage royall,
and the commissio of the Erle was shewed
forth, which wyl that the kynge made him
his lieutenant, and gave hym power to
pardō felony, and treason, and to enquire
of those whiche made resistance agaynst
hym, and to make coyne. &c. And for that
that he hath power to enquire by speciall
graunt, the protection was allowed.

P. 8. **E.** In dette the parties demurred in iuge-
E. 4. ment, and the opinion of the courte with
the pleyntife, and the defendaunt prayed
that the iudgement myght be respytes be
to suche a day, & it was sayde by the court
that if he shewed a protection in the meane
tyme, that it shall not be allowed.

M. 17. **E.** A protection was sayde before (q. 2. *pro-*
M. 4. *fecturus est*) in the company of E. the kyn-
ges sonne into Irelande, and it was pur-
chased hangging the wyrt wherofore it
was allowed. For that, that it may not be
sayde byage royall, without he bying the
kynges host into Irelande.

P. 8. **E.** But knowe ye, that after Moyle that
E. 4. a Protection of byage royall into Ire-
lande, shall not be allowed. For they are
with in

within the iurisdiction of the realme.

Otherwaies is of Scotlande, therfore en-
quyre what the lawe is. But after Lytel-
ton a protection (Quia moratur super sal-
nau custod) it shalbe allowed. The same
lawe shalbe Quia moratur in partibus
maliis, but the boke is not adiudged.

In a forme done, a Protection shal not
be allowed, for the Gardeyne of prysons,
whiche hath suffred men that be condem-
ned to go at large.

A Protection shall not be allowed in a
Deire facias vpon a traaverse of offyce sa-
ken befoze the Eschetour, or Commysio-
ners against any patente.

Knowe ye, that an infant, a woman co-
uerte, may sewe a protection.

Knowe that, it is layde that if. rr. of a
comonaltie are by protection, and in the
service of the kyng, the Protection shall
not be allowed for them all onely. For if
xx. of the comynaltie be in service of the
kyng, notwithstanding that there bee
xxij. and comynaltie, yet the comynal-
tie abydeth at home.

Know ye, that the descendant (which
wente so imparle) was demaunded to
come with his answer a Protection was
gave befoze: Si profectur est, which was
of older date then was the imperlaunce,
and that notwithstanding it was allowed

W. 3.
C. 3.

W. 19.
C. 3.

A writ of
Protectio
cum clausu
la nolum?
is such.

Otherwayes shoulde be if the protectio
had bene: *Quia moratur in obsequio.*
I knowe ye that if there be more in y^e pro
tection; then in the wytt, the protection
shalbe alowed, but if there be lesse in the
protectio, the in y^e wytt it is not alowable.
In apeale of Mayne a protection was
shewed for the defendant, and notwithstanding
dyng that the plevynsse recovered no
thyng but damages, in this suite the pro
tection was disallowed.

Protectio cum clausula nolumus.

Rex omnibus ballivis &c. vicia salutis &c.
tis, q^d suscepimus in p^{ro}tec^{ti}onem dilectum
nobis in Christo p^{ro}curatorem de p^{ro} omnes terras
res redditus et omnes possessiones suas. Et iⁿter
vobis mandamus q^d ipm p^{ro}curatorem terras res red
ditus et omnes posses^{si}o^{ne}s suas manu teneatis pro
tegat et defendat non inferentes eis vel inferen
tibus iniuriam aut gravameⁿtum. et si q^d eis for
is factum fuerit, id eis sine delatione fastidit^u et
mendari. Nolumus eni, q^d de bladiis, feniis, car
tis, cartagiis, bonis vaccis, vel porcis, ovibus
aut aliis animalibus victualibus sine leceris
nis et catallis ipsius p^{ro}curatoris extra voluⁿtate
ad opus nostrum aut aliorum per ballivos aut
alios necros aut alteri^u cuiuscunq^{ue} de qua^m captas esse in

This writ of Protectio (cum clausula
nolumus) lyeth in case where a man
is in doute that the ministers of the kyn
ge or of any other, will take his cozne, hay
bozse, cart, or such lyke. And knowe
that this protection may be graanted by
every

every matter of the Chaucery without
penepe seale.

A wytte of ryghte **De**, aduo-
catione ecclesie.

R **Es** **A**. salutem. Precipimus tibi, q. plenū right de ad
rectū teneas **M**. de **A**. de advocatiōe eccle- uocatione
lie de **A**. quam clamat pertinere ad liberū ecclesie is
memētum suum, q. de te tenet in **A**. per liberum suche.

seruicium unius denarij per annū pro omni ser-
uicio, quā **A**. de **M**. et de **A**. de **A**. Et nisi ser-
uis bicercomis. **sc**. ne amplius. **sc**. et si testis **sc**.

Another wytt that lyeth in the
common banke.

Other **is** **A**. salutē precipe **A** q. iuste te reddat
A. aduocē ecclesie de **A**. quam ei in iuste de **A**. de
de. Et nisi fec. **sc**. **A**. **sc**. te **sc**. tunc such **sc**. **A**.
dict **A**. q. sit coram **A**. iusticiis apud **A**. visu.

This wytte of **De** aduocatione eccle-
lie lyeth where a man hath ryghte to
aduowson, and the persone of the church
wech and a straunger doeth presente his
clerke to that church, and he which hath
right hath not moued his actiō of **A**. rare
impedit, nor **A**. rareyne presentmēt, with
in the. **bi**. monethes, but doeth suffer the
straunger to blaspeme upon him, the he shal
not haue any ocher wytt then a wytte of
ryght of aduowson. And this wytte he
shal not haue (if he clayme not the aduow-
son to hym and to his heires in fee) And
also he may haue a wytte of ryght of ad-
uowson of the halfe, the thyrde parte, or
the fourth parte, as wel as of the whole (if

be be deforced.) And knowe ye that a wyte
of ryght (quod reddat aduocacionem dec
marum) is not graunted by the Statute of
Westm. ii. Ca. v. which beginneth, Cum
aduocacione ecclesiaru, &c. which wil that
if the persone of any church by a wyte of
Indicauit be distourbed to demaunde his
dismes his patrone shall haue a wyte of
right of aduowson to demaunde the same
dismes. But the wyte of Indicauit, lieth
of no lesse parcell, then of the fourth parte
of the church, therefore no more doth this
wyte; but yet after some men the wyte
lieth of lesse parcell at the comd lawe. For
the proces in this wyte is, Somus, grauo
Cape, & petit Cape, after apparaunce. And
the proces against the Iure is the comon
proces, Venire facias, Habeas corpus, &
dist. And knowe ye, if a man holde of the
king a maner by graunte sergeantie, or
by peyre sergeantie, unto the which ma
ner one aduowson is belongynge, and he
doth sell, or graunt, the aduowson is
mebraunce of the seignory, the king
present to the first aduowdaunce after.

¶ Addition.

¶ Knowe ye that a wyte of ryght of ad
uowson, brought by the king, & defende
shal not profer & halfe marke ne iuger
final, shal not be genen against the king.
¶ And knowe ye that a wyte of ryght of
aduowson

Proces.

Pa. 2,
C. 3.

aduwson, the tenaunte dothe iopie the myse, and dayes gyuen to him vnto the feast of the Purification of oure blessed Lady, at which daie he cometh not, but cometh at the thirde day after. Iudgement synal was gyuen vpon the defaute.

Item North,

¶ But if the tenaunt in a wyte of ryght of aduwson do knowlege the ryght of the demandant, iudgement shalbe gyuen, & he shal recouer the aduwson. And iudgement synal shal not be giue, for that that the myse was not iopied.

§.33.
E.3.

¶ A release of the pleyntiffe selfe, or of an other ancesser (by whō the discent is not made) is a good barre, without iopying & myse. And iudgement synal shalbe gyue.

§.17.
E.3.

¶ A wyte, De assisa bletime presentacionis.

Rex vice. Ad idū salutē nra. Regis nre. Quia
et tunc sum, et dūm liberat legatū hō
mines de vasa de B. q. sint con. Just. re.
parit sacro recognoscere quis aduocatus sepos
pacio presentantē vtriusq. personam, que mouit
et ad ecclesiam de E. vel ultimū vicariū, q. mo
tū est aduocatum de A. que vacat (de vice &
quā aduocationē ibidē B. vult ad se pertinere
et dūm ecclesiam illam vident, et nomina cor
ta in hī fac. sum B. qui aduocationē illam et de
tū q. tunc si ibi audient illam recognitionē et
habens ibi sum, et hīc hīc esse. re.

A wyte, De
assisa blet
me presen
tationis is
such.

¶ Hys wyte of (Assisa bletime presen
tacionis) lyeth where A. or myne
ancesser hath presented our clerke

to a church and after our clerke dyeth, so
that the church is void, and a stranger
doth present his clerke to the same church
and doth disturbe me. Then I shall haue
this wyte, or a Quare impedit at my plea-
sure. But the assise is more better. For in
Assise I clayme of my proper possessiō, or
of the possessiō of mine auncestor. But in
the Quare impedit aswel þe discourbour,
as I clayme the possession and right. And
know ye, that where a man may haue as-
sise of darreine presentmēt, he may haue
a Quare impedit, but not the contrarpe.
And the proces is such. Somōs resomōs
against the partie, & against the Jurours
Somōs habeas corpus. et distr. &c. And
know ye, that in assise of darreine presen-
tment. & Quare impedit, a man shall re-
couer damages, yf. vi. monethes be past be-
fore his recouet, he shall recouet þe value
of the church by two yerres. And yf he re-
couet before the. vi. monethes be past, the
he shall recouer damages, that is to saue,
the halfe of the church for one yere. And
that wyl the statute of Westm. ii. Cap. i.
which beginneth (Cū de aduocationibus
ecclesiariis) and in the said estatute, are or-
dained. iii. wryttes originalles of aduoca-
sons of churches, that is to saue, a wrytte
of right of aduocation (whiche shalbe de-
termined by batayle, or grānde Assise)

A wrytte

Proces

A wyrt of darreine presentment, & a Quare
 impedit, which are of the possession. And
 if any man whiche hath no ryght to ad-
 uowson do present his clerke in the tyme
 that the aduowson was to any gardeyne
 by reason of any infraunce, or in tyme of
 denaunte in dower, or by the curtesye, for
 terme of lyfe, for yeres, or in taylor, yet the
 statute wyl, that when the church falleth
 boyde, and they in the reuercion after the
 death of þe said tenantes, or gardein be di-
 stourbed, they shall haue theyr recouery
 by Ayle of darreine presentment, & the
 layd aduowson be recouered agaynst the
 layd tenantes & gardeine, by iudge-
 ment or inquisicioun, not withstanding that
 the said tenantes, and gardeyn hath saint
 defended theyr plet, but the iudgement
 shall stande in his force, untill suche tyme
 that it be aduulged by iudgement in þe hy-
 ghe court by Errour, Attaint, or by Cer-
 tification, as the sayde statute wyl. &c.

¶ Addition.

Knowe ye, y in these cases, a man shall
 haue ayle of darreine presentment though
 that he, nor his auncellours had not þe laste
 presentment. As if I present and after the
 church falleth boyde, and the byshop doth
 present by lapa (ordinary) I shall haue this
 wirt, & if my gardeyne do presente, I shall
 haue an Ayle of Darreine presentment.

Knowe

Pa. 70.

E. 3. et

M. 6.

E. 7.

E. 18.

C. 3.

M. 27.

C. 3.

A wyrt of
Quare im-
pedit is
such.

Proces.

Statuta

And we ye, that if the present do resigne
yet the wyrt shal say, qui mortuus est.

Knowe ye that the pleynesse made this
tyle, that he him selfe was lesled and pre-
sented. &c. and the wyrt was. Et luit. &c.
ad uocationē illā et desozerat. And y wyrt
was chalenged, and not allowed for that
that it is the forme of the Chauncery.

A wyrt of Quare impedit.

Rex vult. &c. Saltem, Petrus & alii. &c.
lute. &c. permittat. & p[ro]fessare idonea p[ro]
sonā ad ecclesiā de R. que dicit, et ad ill
spectat donationē de die et h[ab]e. quare & p[ro]
dicti & alii. &c. in iure impedit et nisi fecerit. &c.
et tunc luit &c. p[ro]dicti & alii. &c. luit corā. &c.
&c. all die obediā quare non fecerit. &c. Et
deas the luit, et hoc bene teste. &c.

This wyrt of Quare impedit lyeth
wher a mā hath purchased a maner
to the which maner one aduocatus
is belongng, the person dyeth, a Writ
get doth presente his clerke, then he shal
haue the sayd wyrt, and not assyle of bar-
reyn presentement. And the proces is in
this wyrt, as in assyle of barreyn p[re]se-
ment. As is cōteyned in y Statute of W.
Capl. xii. Homons, Attachemēt, and
Distresse; and yf the partie defendauit
come not at the distresse, then the p[re]-
syle shal haue a wrytynge to the W.
of y place, that he may accepte his clerke
to the sayd curche, saynge to the de-
faunt.

naunt another tyme his ryght (yf there of
he shall cōplayne) And knowe ye, that in
Assise of darreynne presentment, and in a
writ of quare impedit dayes shalbe giuen
frō. r. b. r. b. And frō thye wekes vnto iiii
wekes, as the place is distant. And that
wyl the statute aforesayde.

¶ Addicion.

¶ Knowe ye that yf a Quare impedit be
brought agaynst the byshop and a straun
ger, and the byshop disclaimeth same only
as ordinary & the other sayth y he is per
son in person of collacion of the byshop.

In this case the writ shalbe awarded to
the Metropolitane and not to the byshop.

¶ Knowe ye that a Quare impedit was
brought agaynst a ppyor as patron, & one
as Incumbent, & hangynge the writte
the patron dyed, yet the writ was mapu
ynable, agaynst the Incumbent alone.

¶ A writte of Re admittas.

Rex. re. Venerabili in Christo patri eadem
gracia L. episcopo salutē Prohibim⁹ vo
bis ne admittas psona ad ecclesiā de P. a
locat (ut dicitur) & de curia aduocatione ecclesie
ita est in curia nra thre D. et B. bones discus
sion fuerit in eadem curia, ad quē eorum pertine
t eandem ecclesie aduocatio, &c. &c.

¶ This writte of Re admittas lyeth
where one man impledeth another
by a Quare impedit or by assise of dar
rein presentment in the kynges courte

Then

D. 19.
C. 3.

M. 9.
H. 6.

A writ of
Re admittas
is such

Then of the pleynesse suppose y the by
shop wyl presente the Clerke of the defen
daunt hangng the pleer betwixt them of
the sayd church he maye haue the saide
wyl directed to the byshop prohibyting
hym, that he present no clerke to the sayd
church befoze that it be dissolved betwixt
them, who hath right to the sayd church
to present. But yf they be in pleer, and the
presencion nor dyscussed nor no recovery
within the. vi. monethes, then the byshop
shal present by Laps, yf the pleynesse re
cover, he shal recover damages. As is co
tained in y statute of West. ii. Ca. v. And
the proces is one prohibition, and bypō the
prohibition attachement, and a distress.
And knowe ye that yf the defendaunt (in
a Quare impedit) come not at y distress
Then the pleynesse shal haue a wrytte
the byshop, that he shal accepte his clerke
to the sayd church. Sauyng another tyme
the right of the defendaunt. &c. and the
wryt shalbe Judiciall. And is suche.

Proces.

Rex. &c. venerabili vrsu. salutis. Seruatis. &c.
B. in curia nra. &c. recuperavit presentat
... suam versus. C. ad ecclesiam de P. que
rat per defaltam ipsius. C. Et ideo vobis ma
damus. q non obstate reclamatur predicti
presentat predicti B. ad ecclesiam idonea per
nam admittatis teste. &c.

C A wrytte de Quare non
admittit.

I
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And

breuillum.

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R Ex vii. ec. salutem. Et d. fecerit te secutus
de clam. et tunc luth. et. B. Amcolth episco
pum q. ut cora Justic. et. ostensura quaz
cum idem d. in curia nostra coram p. lat. Justie
nostris recuperasset versus d. p. sent. sua ad res
cliam de d. per recognic. alie. vltime p. sentat.
ibi inter eos capram, p. p. p. mandamus eidem
epo. q. non ostant. et clamacione p. dicti d. ad p.
sentat. ipsius d. ad ecclesiam p. dictam idomā p.
sonā admitteret. Et ep. W. clericum p. dicti d. p.
p. sentatū ad ecclesiam p. dictā admittere recusa
uit in nostris ac mandatorum nostrorum contempnū
et considerat. cū nostre p. dictae lesionem manifes
tā et habet. as. ibi sum. et hoc bene teste. et.

T Hys wyrt lyeth where a man hath
recovered one abbows of a church
and he doth sende his able clerke to
the byshop for to be presented to the sayde
churche, & the bishop wil not receiue him
then he whiche hath recovered shall haue
the sayd wyrt. And this wyrt is a wyrt of
Contempte and al tymes is Judicial and
goeth out of the rolles of the Justices, but
in tyme of vacacion whē the court sittyth
not, then it shalbe made in the Chaucery.
And the proces is Attachement, and by
writte. And a Quare nō admittit pro rege
hath ben made and ensealed by some men
withouth makynge mencyon of any reco
very befoze made. And yet it is by the p.
rogative of the kynge.

¶ Addition.

I knowe ye. p. this wyrt shalbe brought

D. 6.

An. 38.

iii

in the countie where the refusal was made
 for that, that he shal recouer nothing but
 damages and not the presentment, other-
 wyse the wyte shal abate. But a Quare
 impedit shal be brought in the countie
 tohere the church is: for that, that he shal
 recouer the presentment, and that is p^ro-
 uerlitie. And if the bishop admit him and
 make letters to the archdeacon to induct
 hym, the byshop is excused thowhe that
 the archdeacon refused to inducte hym.
 And he is put to sue agaynst p^r archdeacon
 in the court Chyrtian, for that is a
 thyng spiritual. And it is a good plee for
 the byshop to say that he hym admytted,
 made letters to the archdeacon for to in-
 duct hi without sayeng p^r he him endue.
 ¶ And yf the wytte, to admyt his clerke
 be dyrected to the bytare generall and
 refuse, yet the Quare non admisit shal
 brought agaynst the byshop.

¶ 13.
 C. 1.

¶ 13.
 C. 3.

¶ The byshop refused to receiue a clerke
 and dyed, by whiche one prayed a wyte
 agaynst the archbyshop of Caunterbury
 gardeyne of the spiritualties, and to hym
 was denyed. But a wyte was graunted
 to him agaynst p^r gardein of p^r spiritualties
 but not agaynst the archbyshop, for p^r, the
 the fyrst wyte was not dyrected to hym.

¶ A wytte of Quare
 incumbant.

bzenfunt.

fol. rrrlff.

R Ex vlt. A. Saluti D. I. fecerit te secure. A wyte of
tue luth. 1c. B. Aincolt episcopu. q. sit cora quare incu
Iustic. 1c. offensurum quare cum idem A biant is
cui a nostra coram pfatis Iustic nostris recupe suche.
raste e psetatione suam ad ecclesiam de J p assi
sam vel recognitionem vltime psetacionis inte
tim int eos capt idem th episcop^o pendente pfito
in psetata curia nostra cora Iustic. nostris sup
captide vltime psetacionis psetate, ecclesia
psetata incumbant in ipsius A psetudiciu non
modicu et grauam et contra legem et consuetu
dinem regni nostri Et habes 1c. teste. 1c.

This wytte lyeth where there is two
pledynge for the aduowson of a church,
and hangynge the plee the bysshop pre
sent one of his clerkes within the fyr mo
nethes to the sayde church, then he that
hath recovered shall haue this wytte a
gainst the bysshop. And know ye that this
wytte lyeth not but hangynge, the plee, for
if it be oute of the plee, and I sende my
clerke to the bysshop for to be of hym ac
cepted and he hym refuse, and present one
of his owne clerkes, then I shall haue a
Quare impedit, or Darreine presentmēt
as my case lyeth, and not the Quare incu
pauit. And the Proces is, Somons, ata
chment, and distresse. And know ye that
when a Quare impedit, or assise of dar
reine presentmēt is brought against the
bysshop, as distourboure of aduowson of a
church, the bysshop may pset because of
laps after y terme of. vi. monethes vnto

E. j.

the

Natura
the ple determyned betwixt hym and the
pleyntife.

¶ Addition.

M. 13.

E. 3.

M. 18.

M. 17.

E. 3.

E. 12.

E. 3.

I wytte of
prohibitiō
is such.

¶ Knowe ye þ after the sayenge of Ston
that a quare incumbraunt lyethe not, but
where a þon admyttas is directed to the
byshop hangyng the wypte.

¶ And note þ this wypte shalbe broughe
alwayes in the cōmon banke, for that, þ it
is a comon plee. In a Quare incumbraunt
it is nō ple to say, þ there is no such recozd
here, nor it is no ple to say þ the recozd is
sued into þ kinges bēche & errorr assined.

¶ Knowe ye that a Quare incumbraunt
shalbe awarded agaynst þ byshop where
he incumbzeth within the tyme of. vi. mo
nethes norwithstandyng that no action
was purchasid befoze.

¶ A wypte of Prohibition.

Rex archiepiscopo Cantuariensi, et eius comitis. Salu-
tē. Prohibemus vobis ne teneatis p^{ro}cessus
in curia Christianitatis de catallis vel debi-
tis v^{ost}ris. Quere^{re} q^{uod} E. trahit eū in p^{ro}cessu in curia
Christianitatis corā vobis nisi catalla vel debita
sint de matrimonio vel de testamēto, quia placita
de catallis et debitis q^{uod} nō sūt de testamēto vel de
matrimonio spectāt ad coronā & dignitatē n^{ost}ram
teste &c. Eodem modo fiat alia p^{ro}hibitiō parti p^{ro}hibe-
atur mutatis mutandis

Rex &c. venerabili iⁿ xpo &c. vel ei^{us} offi^{ci}o, et eius
comissariis salutē. Prohibemus v^{est}ra, de adu-
ersariis de R. vel medietatis vel tertie p^{ro}por^{tion}is, et v^{est}ra
&c. et E. v^{ost}ro ei^{us} quere^{re} q^{uod} E. episcopo de A. &c.

eos in phto corā vobis in curia eccliamtans q
placita de admoē ecclesiarū spectāt ad corōnē rē.

This wrytte lieth where a man is im-
pleded in court Cristian of thynges,
whiche toucheth no maner of matrimo-
ny, noz testament. But suche thynges,
which toucheth the crowne of oure soue-
raygne Lorde the kyng, as Dette, Tres-
pas, oz of any suche lyke whiche shalbee
pleaded in the kynges court, then he may
haue the sayde wrytte directed to the ordi-
naries, and officers, oz commissioners of
the sayde court Cristiane, then cōmann-
dyng to cease their ple. And also knowe
ye that he may haue aswell a prohibicion
to the shiriffe, that the partie shal not pur-
sue, as to the officiales oz cōmissares. And
the proces is in this wrytte, the Prohibi-
cion. And if the partie sue forth the plee
in court chystiane notwithstanding the
prohibiciō. Then shal go out of the Chau-
cery one attachement. And this attache-
ment is retournable (if he cease not) then
shall go the distresse.

Proces

¶ Addition.

Note out of what courte a man shall
haue a prohibicion, & attachement bpon
a prohibicion. In a wrytte of Trespasse
brought in the comon place, the parties
wyng at issue, and hangynge that, the
wyntple sueth in court Cristiane, the de-

An. 13
p. 6.

C. y.

sendaunt

Natura

defendant shall have a prohibition out of the same place.

C.2.

C.4.

In a quare impedit brought by the big against the persone of T. for that that he him distourbed to present to the vicarage of the same church, and before that wyte was returned, the person hath sued a Detraction against the presente of the kyng, & he prayed a prohibition: And to him it was granted by the Justices of the comon place.

C.11.

D.4.

If a man make an othe to enfeoffe me of his lande: if I sue hym in court Christiane: Prolesione fidei, he shall have a prohibition against the partie and the iudges also. And if a man & his wyfe do sel lād (which is of the ryght of the wyfe) and the wyfe is swozne that she shal not sue not Cui in vita. And after the death of her husbande she byngeth her Cui in vita: & the other sueth her in court chrestiane, Prolesione fidei: she shall have a prohibition.

D.22.

C.4.

Knowe ye that if a mā be sued in court Cristiane, of couenaunt broken without especialtie, or executours are sued, for a symple contracte made by their testatour. A prohibition shalbe awarded, and yet the pleintif hath no remedy by the comon law.

1. D.6

D.6.

Knowe ye if the baylyffe in court hath holde pleaboue. xl.s. the defendant may have a prohibition: if one sweare bypon a boke to paye certayne money, at a certayne

hzenium.

Fol. rrrb.

daye day, and at the day he payeth not þ
money, and the other sueth him in courte
Christiane. Þo lesione fidei, he shal haue
a prohibicion. &c.

¶ A wypte of indicauit.

Rex iudici tali, et eius officii vel eius comitis. **¶** A wypte of
sarie salute, indicauit nobis. **¶** A cū B tene-
at ecclesiā de C de aduocatis sūa w. clerici. **¶** Indicauit
eius clamās quartē partē eiusdem ecclesie de ad
nor B trahit cū inde in plectū corā vobis in cū
cristianitatis qz vero manifestū est qz pcedit. **¶**
lactura sue aduocatū incurret, si predictus **¶** A
placito illo cām illā optineret, vobis prohibem⁹
ne plectū illud teneatis in curia christianitatis, do
nec discussum fuerit in curia nostra ad quem il
lorū pertineat eiusdē ecclesie vel capella aduo
catione quia placita de aduocatione ecclesiarum
spectāt ad coronā et dignitatē nostrā teste, &c.

¶ This wypte lyeth where a debate is
betwyte two clerkes in courte cri
stiane: of a churche, or of parte of a chur
che, or for dismes, whiche amounteth at
the least to the value of the fourthe parte
of a churche, or to a greater parte as the
second part, or thyrde part then for that, þ
the patrone of þ clerke defendauit shal
loose his aduouson (if the clerke of the
pleyntye recover in Courte Cristiane)
and the pleynite of the aduouson of the dis
mes whiche amounteth at the least to the
fourthe parte of the value of the churche
belongerth to the courte of the kynge, and
may not be gayned ne lost in court cristi
ane

E. iij.

ane

Satura

an, for that cause the patron of the clerke
defendaunt shal haue in the Chauncery
sayde wytte of Iudicauit, dyrecte to the
clerke of the pleyntye, or to the officers
of the court Cristiane, comaunding the
to cease their ples and pursut vnto that it be
dyscussed in the kynges court to whome the
aduowson belongeth. And knowe ye the
statute of West. ii. Cap. v. whiche begyn-
neth *Cū de aduocationibus ecclesiarū* etc.
in the ende of the sayde statute is respyed:
that if the patrone of the clerke pleyntye
be suche maner distourbed he shal haue a
wytte of ryght *De aduocatione decimarū*.
And when the aduowson is discussid
in the kynges court, the the ples shal pro-
cede in the court Cristiane. And the proces-
is, as in a prohibicion: for it is a prohibi-
cion in it selfe. And knowe ye that a wytte
of Iudicauit shalbe betwixt foure persons
two shalbe patrons, and two shalbe cler-
kes: whereof the one clerke claymeth to
holde the churche, or part of the church of
the aduowson of one patre, and the other
clerke of the aduowson of the other patre
and yf the dysmys of the aduowson be de-
maunded in court Cristiane: the dysmes
be not to the value of the fourth parte of
the church, then the prohibicion shal haue
no place. And knowe that this wytte is not
retournable, but if they lease not in their
pursuit

Proces.

R
Hanc
B. de

hzenium.

Fol. xxxvi.

pursute he shal haue one attachment, and after the attachmēt retourned, the distress shal go out of the rolles of the Iustices.

Addicion.

¶ Knowe ye that yf an abbot be person, in person of the Church of Dale, and he demaundeth the fourth part of the dysmes against one A. Parson of the same church which is in, of the presentmēt of a stranger. In this case the parson of his patron shal haue the Inducit. And yet they are but thre persons in al. And if a man hath iugement to recouer dysmes amouētyng to the halure of the fourth part, and sentence definitive is geuen, and the defendaunt appeleth to the byshops court by the which the byshop doth sende a delegacy to certayne persons, and they make subdelegacy. In this case the partie shal haue the Inducit to the Judges subdelegacy.

M. 12.
E. 4.

¶ Knowe ye that besoze the Apbel be put in, in court Cristiane, he shal not haue the Inducit, and it behoueth to hym that wyl haue the Inducit to shewe the Apbel to the Chaunceller.

¶ A wyttē of Consultacion.

A wyttē of
Consultac.
is lacye.

Rex Iudicii tali salutē. Ex pte w de H. per
sone ecclesie de D. nobis est ostēdū qd cum
ipse nuper petierit corā vobis in curia eccl
sanitatis versus J de C. de J. executores test
B. defuncti secundum melius auerium, quod fuit
C. lly. eiusdem

Natura

eiusdē. nūq̄ pōtīanū dicte ecclesie defūct nō
 mortuū dicte ecclesie debet at p̄fat̄ execut̄ p̄cessū
 p̄tī p̄dict̄ corā vobis inchoatī fraudulēt ma-
 chinātes īp̄dicte aſſerētes q̄ placitū illd̄ in curia
 cristīanitat̄ de catallis et debetis, q̄ nō sūt de tel-
 tamēto vel matrimonio quābā p̄hibitionē n̄am
 ne placitū vobis dirigi p̄ cur̄ rūt̄ p̄hibet: his p̄
 textū i causa illa hucusq̄ p̄cedere distulistis et ad
 huc defertis in ipsi⁹ w. et ecclesie p̄dicte graue p̄-
 iudiciū et in habūdationis periculū manifestū
 quia in articulis p̄fatis p̄latis et cleric̄ nōstr̄
 p̄tē nos nuper concessis plenius cūtinēt, q̄ inde-
 citis, oblationib⁹ mortuā, q̄ sub illis nominib⁹
 bus p̄ponūt̄ p̄hibitionē nōstrē nō est locus vo-
 bis significamus, q̄ i causa p̄dicta si vero de mor-
 tuā agatur (vt p̄dictū est) tūc nō obstāte p̄-
 hitione n̄a vltēius facere poteritis, q̄ scdm̄ in-
 mā ecclesiasticā fore videritis faciēdū, teste n.

Ad this wozitte lyeth in case where
 a man is impleded in courte Cris-
 tiane, of thynges whiche toucheth testā-
 ment, or marimonie, and the defendaunt
 doth purchase a p̄hibition in the Chau-
 cery, dyrected to the ordinaries, cōmaū-
 dyng them to cease of their plee and pur-
 suite, by force of whiche p̄hibition, the
 ple is extinguysshed, thē the pleintife shal
 come into the chauncery, shewyng the co-
 py of their ple conteyned in his byll to the
 Chaunceller, and then he shal haue the said
 wyrt dyrected to the ordinary before sayd
 cōmaūding thē to pursue forth in the ple
 notwithstanding the p̄hibition before
 to thē dyrected. And knowe ye that a Com-
 sulcacion

bzeulam.

Fol. xxxviii.

Salacio lyeth euer for the plevynse, that
moueth the ple in court Chyristiane.

A Wyppte of Alaisca remouenda.

A Wyppte of
bi laica re-
mouenda,
is such

Rex hic saluet. Prescripimus tibi qd bi laica
et armati. H. tence i ptebda d. de c in
eclesia de l. ad pacē nostrā ptebda l. de
dilatione amouens ab ead. et si qd tibi resistēs
inuenieris tūc assupit tecū suffic. posse com. tui si
necesse fuerit, et eos p corpora sua attach. et in p-
sona nostra saluo custod. ita qd hēas corā nobis.
et. vbi cūq. et. ad respond. nobis de pteptu. et recet
fina sup. dict. et habes ibi hoc bzeue teste. et.

This wypte lyethe where debate is be-
twixt two persons for a churche and
the one dothe entre into the churche with
great power of lay men, and dothe holde
the other out with force; then he that is
holden out shal haue a wypte dyrected to
the shryffe, y he remoue the greate power
of lay men (which is within the churche)
and it shalbe commaunded to the shryffe, y
yf he fynde any men makyng resistēce, y
he shall take with him the power and aid
of his counte. And al they that dyd resist,
shalbe attached by theyr bodyes, and put
the into pryson vntyll they come before h
kyng at a certayne daye, to answer of h
contempt. And this wypte is retourna-
ble, and shall not be graūted before that y
bysshop of suche a place, or such a churche
hath certifyed in the Chauncerye by his
wypte of suche resistēce. et.

A

Wryt of
excomuni-
cato capi-
do is such.

Natura

A Wryt of Excommunicato capiendo.

R Ex vic. salutē. Dignificauit nobis J. ven-
erabilis pater R. eps per litteras suas pat-
tes, q̄ R. propter manifestā cōūmatā su-
am Excommunicatus est, nec vult p̄ censurā ec-
clesiasticā iustificari, q̄ vera potestas regis sa-
cro sancte ecclesie in querelis eius de esse non de-
bet tibiā peripimus q̄ predictum R. per corpus
sūū secundum consuetudinem Anglie Justic̄ do-
nec sancte ecclesie tam de contemptu quam et ini-
uria illata ab eo fuerit satisfactum, teste, &c.

T Hys wryt lyeth where a man is ex-
commenged by the byshop, and if he
he wyl not be iustified by his ordina-
ry. Then the byshop shall sende his letter
patent to the Chaunceller rebersynge the
excomengement. And then shalbe cōman-
ded (to the shyppe of the same countie) to
take the body of hym that is cursed: & by
his body he shalbe chastised vntyl he sub-
myt him selfe to the order of holy church
for the contempt and wrong by him done.
And this wryt is a Justices. And yf the
shyppe wyl not make executiō of the said
wrytte, then shall go out a Sicut alias, &
Writtes, and after attachement, as in a
Replevin. And knowe ye, that yf he that
is excomenged hath made agremente, as
well for the wronge as for the contempt
made to holy church. Then the byshop
shal sende his wrytte to the kynge, cer-
tyfyng by the same wrytte that he hath
made agreement with holy church for the

bzenfum.

Fol. xxxviii.

contempte. Then shalbe comaunded to the
hypocrisie of the same consue by a wyte De
excommunicato deliberando: that he shal
delpuer that same man) which is in suche
maner impziloned. &c.

¶ Addition.

¶ Knowe ye & a certifficat made by these
persons of any excommengement) is of no
valure. If & byshop certifie excommengmēt
by his letters, it is nothyng to & purpose.

An. 30.
C. 3.
Li. 25.

¶ The same lawe is, yf the compylary of
the byshop certisye excommengement, but
yf it be certysed by the archebdeacon of
Archemonde or by the Deane and chap-
toun of Caisterbury, in tyme of vacacion
it shalbe allowed.

C. 7.
C. 4.

¶ But yf the Deane of saynt Martyns,
or abbotte of saynt Albons, or other lyke
whiche are persons exempt of enery ordi-
nary iurisdiction, certisye excommengement
it is nothyng to & purpose, nor of no valure

Pa. 20.
C. 3.
D. 12.
C. 4.

¶ The same lawe is, yf a byshop certisye
excommengement made by an other byshop.

D. 33.
C. 3.

¶ And yf the byshop be dead (before that
the letter of the certification be shewed) it
is voyde.

D. 6.
C. 3.

¶ The baylyffes and communalte of C.
brought a wytte of resculle. &c. & shewed
al the matter (as appereth in the case) &c.
And & defendant sayd, that at the tyme of
the wytte purchased one J. and. M. was
baylyffes

Item. cas.
D. 30.
C. 3.

Natura

baylyffes, and sayde that they were excom-
menced, and shewed the letter of the by-
shop testyfyng the same, & for that, that
the wytte is taken by the baylyffes & co-
munalte without naminge any persone
by propre name, and the letter of the by-
shop proueth not for what cause y pleyn-
tyfe nor any of them are excomenced. &c.
the defendaunt was awarged to answer
ouer. &c.

3.7.
11.2.

Quere.

¶ In Trespas the defendaunt sayde y the
pleyn tyfe shal not be answered for that,
he is excomened. And shewed the letter
of the byshop of P. testyfyng the same
whiche was red. &c. Quere (yf he haue a
letter of absolution (yf this wytte shal
abate or no, it is sayde that it shal not
bate. But the iudgement shalbe that the
defendaunt shal go to god and the pleyn tyfe
shal not be amerced, but of vylawz or other
wyle is, as it is thought: for there the
wytte shal abate.

10.7.
2.3.

¶ A syle broughte by a Gardeyne of an
hospytal, agaynst the archebyshop of C.
and W. P. & they alleged y the pleyn tyfe
is excomened, and shewed a letter of the
same archebyshop (whiche proueth that he
is excomened) at the instaunce of W. P.
and for that, that W. P. and the arche-
shop are parties to the syle, they were
charged to answer ouer.

A wytte

A wyrt of Excomunicato deliberado.

Rex venerabili. sc. episcopo salutē. Quia est nobis ex parte v. q. cū ad denunt. vestra ipsū per vic. nostrū. tāq. excomunitatur clamos ecclesie contempnēted, p̄cipim⁹ Justit. Et eide in sub cautione idoneū absolutionis benedictiū. J. petiorit vob ipsū cōtra iusticiā ad hoc admittere recusatis. Et ideo vobis mādām⁹ q. ipsū. M. eū cautione huiusmodi absolutionis aliqui q. nostrū est in hac pte exēmur: teste. sc. Aliē

Rex vic. salutē cū a. de h. quē ad denūciatio ne episcopi venerabilis. sc. tāq. excomunit. eadē p. corp⁹ suū scdm cōsuetudinē Anglie p̄te iustificari. p̄cipimus, donec sate ecclesie tā exōrēptū q. de iniuria et illato ab eo esse satisf. et etiā ab episcopo ipso absolutionis bñficiū in forma iur. meruerit optinere, sicut idē episcopus per litteras suas patentes nobis significat. Tibi p̄cipim⁹, q. ipsū. A. a. p̄sona, qua de iurē. si ea occasione et non alia detineatur in eadem sine delatione deliberari facere: teste. sc.

This wyrtte is, as a Justicies, & p̄ the thyrpfe make not execution of this wyrt, he shal haue Sicut alias and Pluries. And knowe ye that when a man hath cōtynued in sētece by. xl. days and the byshop hath sente his wyrt to the kynges court y he wyll not be reconciled by the ordze of holpe churche, the kynges shall sende to the thyrpfe y he be taken, & put in p̄yson vntyl such tyme, as he wyll be obedyente agayne to the lawe of holpe churche. But y he excomenge (after y he be in p̄yson) suffre sufficient payne, to be vnder

A wyrt of
excomuni-
ca to deli-
berando,
is such.

Natura

Under the tuition of holpe church, yf the
bysshop refuse suche satisfaction, he shall
haue the wytte to be deliuered out of prison.

A wytte of Juris verum.

A wytte of
Juris verum
is such,

Rex vie R. salutē. Si A. persona de B. vel
lic: Si B. prior ecclesie beate Marie de L.
.. persona ecclesie de B. fecerit te. sc. tunc cum
sc. xii. liberos. sc. de villa de L. q. sit corā Justit
nōis ad p̄m off. sc. vel corā iustit nōis ap̄d w. tunc
die pati sacro recognōit vtrū vtrū mēsu. cū p̄tis in
L. sit libera elemosina p̄tis ad ecclesiā ipsā A. de
B. vel ipsi, p̄tis de B. aut laicū feodū J. vel in
vtrū sit liber elemosina p̄tis ad ecclesiā vel ad co
pellā aut. sc. inter mēsuagium illud videat et mola
corū i. b̄tari fac. i. cum p̄ bonos cum p̄dictis J. i.
mēsu illud tenet q. tunc sit ibi audituū illam co
cogn. et habias ibi cum. et hoc bene teste. sc.

Thys wytte lyeth, whan the ryght
of any church is aliened and holdē
In laye see, or translated in the pos
session of any other church, and yf the
lyenoure dye, than hys successoure shall
haue the sayd wytte. And knowe ye that
no man which hath couent or couēteale
may mayntayne this wytte. But a wytt
of entre: Sine assensu capituli, of the
lyenacion made in tyme of his p̄decessour
as appereth clerely by a ple in. An. xv. C.
iii. where the gardeine of the Hospital of
S. prayed in ayde, of the byshoppe of S.
had no ayde, bycause that the hospital hath
couente seale. And knowe ye that no man
may vse a wytte of Utrū, yf he be not na
med

med person. But nowe by þe statute of E.
 the thyrde. An. xliii. Ca. xvi. which begin-
 neth. Item est assuet et estable que vicaris
 Gardeines del chapel, pzonosses de Chaū
 ceries ppetuelz parrōt vser cest bre dutrū
 dez terreꝝ au tenemētes. &c. And also J. de
 B. Gardeyne of þe hospytal of S. brought
 a wrytte of Witrū the same yere, and was
 maynteyned thogh that the statute afoz-
 sayde maketh no mencyon of Gardeynes
 of hospytalles but þe was meyntheyned by
 cause it was in lyke case. And knowe ye þe
 the statute of Westm. ii. Ca. xliii. which
 beginneth. In quib⁹ casib⁹ cōceditur bre
 in Canc. in which statute is cōteyned thz
 clause. Eod. modo, sicut concede bre vtrū
 aliquod tenementū sit libera elemosina a
 licuius ecclesie, vel. laicū feodū talie de ce-
 tra fiat bre. &c. And this wrytte was not
 graūted, but there where the almes of a
 church was translated into laye fee.
 Nowe it is ordeyned, in the foresayde sta-
 tute of Westm. ii. that it shalbe graūted
 aswell there, where it is translated into
 the possessiō of any other church, as there
 where it is trālated into lay fee. And the
 pices is suche in this wrytte, Somons
 and resomons agayne the partie. And
 in a pyle of Wozdauncester, and against
 the Jurours, Somons, Habeas corpoꝝ,
 and dystresse. And in this wrytte shall
 be

Pices.

Statuta

be gyven the same dayes, as are gyven in
 assyle of Darrepyne pzeletment, & Quare
 impedit, As it apperethe by the statute of
 Parlebrydgc. Capi. vicesimo secundo.

Addicion.

D. 19.
R. 2.

¶ Knowe ye that a recovery in assyle a-
 gaynst the pleyntyfe selfe, is no barre: for
 that, y this is his wyzt of ryght, and the
 ple is not but the Jury, other wyse is, yf
 he had sayd ouer, and the state of the plein-
 tyfe meane.

C. 7.
R. 4.

¶ If the tenat plede a recovery in a Cel-
 sauit, y is no barre, for that, y the right is
 to be tried, but he shal cōclude, & so lay see.

P. 8.
C. 3.

¶ Knowe ye y if a man recover in a wyzt
 of ryght against a parson, in which ple he
 hath not prayed in ayde of his patron, in
 this case his succellour shal have a Juris
 vtum: and the recovery in the wyzte of
 ryght shal not barre hym.

D. 24.
C. 3.

¶ In a Juris vtum brought by a parson of
 a chapel, y wyzt was mainteyned for hym
 for that, y he toke his title by pzeletment
 and Institution, as a parson of a church.

A wyzt of waste.

**A wyzt of
 wast is
 such.**

Rex vic. salutē. Vbi A. fecerit, &c. tūc sūm. &
 olisurū quare cū decōi p̄silio regni nōst-
 Anglie p̄uoluū sit qd nō liceat alicui vāllū
 vendicionē seu distructionē facere de fr̄is, domi-
 bus, boscis, seu gardinis sibi dīmīssis ad terminū
 vite sue vel annozū, id. B. de omnibz boscis &
 gardinis, vel sit de domibz, boscis & gardinis in
 A. que A. ei dīmīssit ab terminū ānozū fecit vāllū

hrentunt.

Fol. rli.

Debetur forma provisionis predictae, et habetur
ut sc. rest. 11. Eod modo fiat ad terminum vite
vel p lege Anglie, vel aliquo modo mutandum.

Thys wytt lyethe whers tenaunt for
terme of lyfe, oz tenaunt in dower oz
tenaunt by the curtesye, oz gardeyne in
chynalry, oz tenaunt for terme of yeres,
makethe waste: he in the reuercion shall
haue this wytt (where by the comon lawe
they had but a prohibicion of wast) And
thys wyttte is geuen by the Statute of
Westm. ii. Ca. xliii. And in þ same statu-
te: Proces is suche, somōs, attachemēt, &
distresse. And if the party come not at the
distresse: than shalbe cōmaūded to þ hy-
pote the enquyre of the wast: & yf the
wast be founde by the inquisition of the
enquest, it shalbe retourned, & the partye
shall recouer treble damages, and the en-
quest shall gyue but single damages, and
the court shal treble the, and also he shall
lose the place wasted. And that is gyuen
by the statute of Glouc. Ca. v. which thus
beginneeth. Puruen est ensemit que si hōe.
et. And also the same statute wyl, that if
any gardeyne make wast he shall lose the
warde, but yf the loosynge of the warde
amount not to as muche in valure as the
wast done, the þ infant at his ful age shal
haue the sayd wytt of wast & recouer his
damages for the remnaunt. Also in case
that the tenants for terme of lyfe (oz of

F. i.

other

quales
vassu
faciunt

Proces

Reuer

other persones lyues) make wast and let
ouer his estate, than he in the reuer. That
haue this wytte of wast against hym to
whome the tenaunt for terme of life, or of
other persons lyues, let his estate, and he
shall aunswere of wast made in his owne
tyme, for he taketh the lande in suche de-
gre as it was in time that the lessee let his
estate, but other wyse is in case the tenant
in dower, or by the courtesy, let ouer their
estates, and they to whome the tenementes
are letted) doe make wast, he in the reuer-
cion shall haue a wytte of wast agaynst
those tenauntes in dower or by the curte-
sy, and not against the lesse, for none may
be called tenaunt in dower, or by the cur-
tesy, but the same tenauntes in dower or
by the courtesy. And it is said, that in case
that tenaunt for terme of lyfe make wast
and surrendre his estate to him in the re-
uersion, and he doth accept it and manur
the lande after, he shall neuer haue an ac-
cion of wast: for that he was not constrain-
ed by the lawe, to receiue or take the lād.
The same lawe is of the other aforesayde
tenauntes. And knowe ye that if lande be
letted to a woman soole, and she taketh a
husband, and the husband maketh waste
and dyeth, the wyfe shall aunswere of the
wast, and lose the lād, and yelde damages
(if the wast be found) for that, that it was
bet

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her folp that the woulde take suche a hus-
bande that woulde make wast. But other-
wise is where landes are letten to man &
his wyfe, for terme of their liues, and the
husbande maketh wast and dieth, & wyfe
shall not answere for the wast made after
his death, for this was the folp of the les-
sour (whiche letted the lande to the hus-
bande and the wyfe) the whiche wife shal
not be charged of waste made in time of
her husbande. And know ye that if the te-
naunt for terme of life, be disseysed, & the
disseysour make wast and the tenaunt for
terme of life do reconer by assise, and such
matter founde, by the enquest, in a wyse
of wast, he in the reuercion shal coner of
the tenaunt for terme of life damages, for
the tenaunte for terme of lyfe recovered
damages against the disseysour havyng
regarde to the wast made. And if the gar-
deyne make waste, than shalbe done as is
cōteined in Magna carta. cap. b. (Custos
autem. &c. but these were the kyng selleth
or geueth the warde of landes or tenemen-
tes of any infant within age, to any mā
of the same seignorie, and the gardeyne
maketh waste, the kyng wyll that he shal
lose the warde, and shalbe geuen to two
lawfull men, of the same seignory. Also
by the new statutes of E. iii. An. xlii. ca.
xii. All suche landes (whiche are in the

Natura

hande of the kyng, bycause of a warde)
shalbe letten to the next frendes of the in-
faunt, to whom the heritage may not dis-
cende (yf they come hastily into the Chaun-
cery (after the *Diem clausit extremū* re-
toured: and there offre to take the sayd
landes, yeldynge to the kyng the value
yntyl the age of the sayd hey: as another
man wyl pelde, wout fraude or disceit &
shal haue a comillpon to kepe the said la-
des and tenementes, by good & sufficient
suerty, to answer to the kyng, of the va-
lure of the ward by the acord of y Chaun-
celour & Treasorer, & the heyze shal haue
an accyon of *Wast* against them, whā he
cometh at hys ful age. And also by the sta-
tute of E.iii. An. xxxvi. Ca. If the Esche-
tour haue any such ward, & doth answer
the kinge of the yssues & maketh wast, the
heyze shal haue an acc. of *Wast* (aswel w
in age, as of ful age) agaynst the eschetor
and shal make syne at y kynges wil. And
the frendes of the infraunt (as long as he
is within age) shal haue the sute, & there
of answer to the sayd heyze of that, that
so shalbe recouered, whe: he cometh to
hys ful age. And also in al cases wher the
heyze within age may implede, hys nexte
frendes shalbe receyued to pursue in hys
name, as apereth by y statut of *West. ii.*
Ca. xv. And it is sayd, y thonghe the heyze
be

Lambert
to the
in cap
or linge
p. 107

brentum.

Fol. xliij.

he of full age and in his lande, yet he shall
haue (if he wyll) a wrytte of wast agaynst
him (if was Gardeyne to him or agaynst
him, to whō the Gardeyne let the warde)
and after recouer domages. And knowe
ye if the chief lord enfeffe anye man of
parcel of the same, if is in his warde, the
heire shall haue Aſſiſe of Pouel diſſeyſon
mayntenaūt agaynst the Gardeyne & the
tenant. And if Gardeyn shall lose if ward-
ſhypp of the same thing recovered, and of
all the remnant if he holdeth in the name
of the here for al his lyfe. And that wil the
statute of Westm. i. Ca. xlvii. whiche be-
gynneth thus. Si garden ou chiefe seig-
noure. &c. And knowe ye if a wryt of wast
shall not be maynteyned agaynst if tenaūt
by Elegit, nor agaynst the tenaūt by ſta-
tute marchant, or by the statute of if ſta-
ple. But if they make wast, he in the re-
uerſion shall haue a wryt of accompt, and
the sayd tenautes are accomptable after
the dette or damages leuted. And knowe
ye agaynst tenaunt in mortgage, no wryt
of Wast nor Accompt is maintainable by
cause he if hath see cōdicionall. And knowe
ye if by the statute of Westm. ii. Ca. xxi.
whiche beginneth Cū duo, vel plures, te-
neant bolcum. &c. that if wooddes, turba-
rye, or ſpyllhyng be holden in comon, of
two or thre men, and the one of the make
F. ij. wast

Statuta

waſt, the other ſhall haue a wryt of waſte
fourmed in this maner. Cū A. et B. tene
āt bolcū vel turbariam pīdenſo, et fecer
baſtū. &c. And if the waſt be found it ſhall
be in the electiō of the defendāt to take his
part by h assigned of h ſhirife in the place
waſted, oꝝ that he graūt that he ſhal take
nothyng in ſuche woddes oꝝ turbarp. &c.
wyl but as his parteners wyl take. And
yf he wyl choſe, to take his parte in a pla
ce certayn, the place waſted ſhal be to him
assigned. And in caſe that he graunte in
the court that he ſhall not take otherwiſe
than his companions wyl, and after he
maketh waſte, his felowes ſhall bynge
the ſayde wrytte, and if he wyl take by
election, as he dyd in the fyrſt wryt, he ſhal
not be receiued: for the ſtatute geuerh but
one election, and that hath he had, for the
whiche theſe pleyntyes ſhall recouer
the place waſted. And this wrytte lyeth as
well betwixt them that holdeth for cheſ
lyues, as betwixt them that holdeth ſol
ly in fee, and as well betwixt tho that are
in the tenemēt, by diuers titles as by one
title yf they take the proffites in comen
and no man knowyng his ſeueral. And
appereth Mirael. xxi. Co. iii. fol. i. whan
any oughte to haue Eſcouers in any
woddes, and the woddes be waſted and
cutte downe, thā he ſhal not haue aſſiſe of

houel

novel disseisine, & that by state of **W. 11.** if
ca. xrb. which begineth. **Quia nō est aliq**
bre p quod. &c. and if he be disseised of such
estouers & die: h^{is} heire shal haue a quod
pmitat de estouarits. And also if h^{is} heire
be distourbed to haue esto. mayntenaunt
after the deathe of his father whereof he
died seised, the heire shal haue a **Quod p**
mitat of Estouers in the place of assple
of mozt dauncester, the writ is suche.

R. Et viē saluē. &c. & iuste. &c. permittat B.
habere rōnabile estouariū suū in bosco vel in
torbatis vel in hūct spissas **D. in L. qd in eo v**
in ea habere debet et solet: vt dīc. &c.

Quod per
mittat de
estouaris
is suche.

And also in case if the heire be distar
bed as afoze is said, the writte shal say qd
pmitat **B. habere rōnabilem estouariū**
suū, in bosco ipsius rōis in **p. de quod C.**
pē pzedict B. cui⁹ heres ipse est, obtit sei
stetur in dīfisco suo vt de feodo. And know
ye that executors, may not main teine a
wryt of wast, but it shalbe maintainable.

Addicion.

It is sayd that a wrytte of wast lieth at **W. 12.**
the comon law against thē, whose estates **H. 4.**
are made by the lawe as against the gar
dest of a warde, tenant in dower and te
nant by the courtely, and soz that in such
wrytes it nedeth not to reherse the statute
If a man dooe manasse oz threten anye **E. 9.**
villaines which are regardaunt to a ma **H. 6.**

Natura

not in another counte, than where the maner is (so that they are eloynded and gone away) the accion of wast shalbe brought in the counte where the maner is, & there shall the wast be tryed, for the wast is (all tymes) in the maner, but of trespass (pauertie) the lawe is other wyse.

H. 49
C. 3.

In a writte of Wast (of a house) it is a good ple to saye, y after the lease, the lesfour made the house against the wyll of the lesse, iudgemēt. &c. And this is a good ple.

H. 48.
C. 3.

In wast the pleyntife supposeth the wast to be dyuers thynges, that is to saye in a graunge house, and cotage, and dyuers places were pleded, as to the graunge and cotage, as appeareth in the case, and as to the house, he sayde that it was feble at the tyme of the lese. &c. and the pleyntife sayde that you your selfe, by this dede indented, whiche here is graunted, to repayre and keepe by the sayde house, in as good estate & better than they were, whiche them receyued, so is he bounde to repayre & keepe by the house. &c. iudgement. If he shalbe receyued, to say that the house fell for feblenes, and it was iudged that this dede indented, shall not charge hym in this accion of wast.

A writte of
Ester pay-
ment is
suche.

A writte for Estrepaiment.

Rex Edw. Salutz. Cum in Karuto apud Glouc
.. datum edict in cetera continetur: qd a tēpore quo

bzenium.

Fol. rlb.

et quo pñtū morū fuerit in ciuitate London bēe
 uenē nō habet potestātē faciendū vallum et res
 pamentū de tñ: qđ est in dñā pēdente plureto, et
 quod ordinatio et stat in alijs ciuitatibus et bur-
 gis et alibi per totū regnū Anglie obseruēter ac
 tam ex gñi querela w. de C. acceptimus, qđ licet
 pñtū pēde ac corā balliuis nostris de D. p. per-
 am bñe nostrā de recto inter A. pñ et C. tenen-
 ti de vna bouata terrē pñti, holci cñ pñtum in
 C. in tamē vallū et repamētum fecisti et in dies
 facerē nō desistis pēdente pñto pñcto in ipsius
 vallū dispendum nō modicū et granā en, ac con-
 tra formam statuti et ordinationis predictorum
 pñto pñcto pendente in discusso teste, &c.

Thys wyrtte is in maner a prohibi-
 cion & lyeth where a man is emple-
 ded by a Wyrtte q̄ redd. of certain
 landes oꝝ tenementes, and the demaun-
 daunt (supposeth ȳ the tenaūt wyll make
 wast in the lādes oꝝ tenementes, hāgynge
 the ple, thā he shall haue the sayd wyrt as
 is cōteyned, in the statut of Glouc. ca. xiiij.
 which begynneth thus: Paruen est ense-
 ment que del heuē. &c. And yf the ple be
 moued in London, thā the demaundaunt
 shall haue the sayd wyrtte dyrected to the
 Mayre and Wyrttes, ȳ they shal cause the
 tenemētes to be kept & ȳ no wast be made
 in them. In the same maner shalbe yf the
 ple be moued afoze the Justices then the
 demaundaunt shall haue this wyrt dyrec-
 ted to the Wyrtte of ȳ same counte, where
 these tenementes are, to defend ȳ tenaūt
 that

Natura

that he make no wast hanging the ples.
And knowe ye that this writ lyeth ppet-
ly, when a man demaundeth any landes
or tenements by a Formedon or writ of
right where he shall recover no damages
but in case y he bring a writ, wherein he
shal recover damages, than he shall reco-
uer damages having regard to the wast.
And also in case that he hath recovered in
iudgement in the kyngs court, and the de-
maunt after the iudgement given, & afoze
that the demandant be put in possession
by the thyrpse by force of a writte (which
is called Here fac. seisinam) he maketh dis-
struccion, than he shall have attachement
agaynst the tenant, to be afoze the Jus-
tices at a certayne daye, to shewe for what
cause he made wast, & ther shalbe mencion
made in the sayde writte of the recovery
had befoze. And this writ shall go oute of
the Rolles of the Justices (yf it be not in
tyme of vacacion whan the Justices are
rysen & than it shalbe made in the Chan-
cery. And the proces is such attachement
and distresse, and for default of distresse
proces of vt lawy.

Addicion.

¶ In Estrepament agaynst an infant,
he prayed hys age, & was put out for that
that it is but in the nature of trespass. In
the same ple it is sayd, that proces of vt
lawy

¶ Proces.

M. 3.
H. 6.

alwyp lyeth not in thys accyon.

And yf a mā reconer land, the whiche was sowen, and afoze execucion sued, the tennant hath reped the cozne, & carped it awaye: in thys case he y recovered, shall not haue a wryt of Estrepament, but an action of Trespas.

A wryt of De homine replegendo.

Rex vic. R. salutē. Precipimus tibi q tuise et sine dilac reple fac. A. quē B. cepit, et captū tenet. vñ sic quē tuiple cepisti captū teneas vñ quē B. cepit, et tuiple capē teneas (vñ) nisi capē sit p speciale pceptū nostrū vñ casus Justicie nri vel p morte hoīs vel foresta nra, vel p aliquo alio reio: quare: secundū cons. regni Anglie non sit replegabilis. Ne amplius int clam aud pro defectu iusticie: teste. &c.

A wryt de hoīe reple, giando is such.

Thys wryt lyeth, wher a mā is imprysoned, whiche is recopleuisable than he y is in prison shal haue the lard wryt dyrected to the thyrpse, y he repleuyh hym whiche is in prison (excepte he be in prison by especiall cōmandemēt of the kynges) oʒ of the chiefe Justyce, oʒ for the death of a man, oʒ for the kynges forest, oʒ for any othre cause (whereof he shall not be repleuisable) And knowe ye y this wrytte is a Justices, & not retournable, but if the thyrpse make not repleuyh by this wryt them shal go Sicut alias vel causam nobis significes: & yet yf he do it not, oʒ yf he may not do it, thā shal go out Cōplāt vel causā nobis significes, whi-

Natura

che shalbe retourned. And yf the thyrp
make not yet repleyn, thā shall there
out attachement agaynst the thyrpse,
directed to the cozoners of the same colli
that they shall cause the thyrpse to be att
ched, and ouer y, that they shal make ex
cucion of the fyrst wryt, which by the sta
tute of West. r. Ca. xv. which beginneth
Par ceo que les vic. et auters. &c. the th
rpsse, constables, noz baylyses of see, sh
repleyn any mā that is not repleuisable
and he y hath the keepynge of prysons
fee, shal lose the baylewyke for ever & sh
haue then prisonement of thre yeres. And
he that holdeth these prysoners (whych
are repleuisable) after y they haue offred
sufficient suerty, shalbe greuously amerc
ced agaynst the kyng. And know ye, tha
yf a man do a trespass wpythin the foze
for whych he is taken, and put in pryson
and y gardeyn of the foze shill not by
repleyn, noz lette hym to maynepryse
wryt shalbe sent to the thyrpse of y place
to attache the sayde gardeyne, to bee be
foze the kyng at a certayne daye, for
shewe wherfoze he hath not made reple
yn of the sayd man, and be it conteyned
in the wryt that the thyrpse cast the ver
dours, and the names of y maynynours
to make deluery to the sayde verdours,
and answer in Cyze befoze the Justices
And

bzentum.

Fol. rlviii.

And that by the statute of Ed. the thyrde.
11. r. Ca. ix. which beginneth: Cū Hugh.
And knowe ye that no man shalbe taken
nor imprisoned for vert, or benyson
if it be not found by verdit or enditement
in which two cases he shalbe let to mayn-
ple by the wardayne of the offyce, or o-
therwyle by wytte, or the Gardeyn shal
be attached as is aforesaid. And þe fourme
howe a man may be indited for trespass of
vert or benyson, is conteyned in the sta-
tute, whych is called Addicio de foresta:
made in the tyme of kynge Edward, son
of kynge Henry. Ano. rrriii. And know ye,
for trespass in parkes, a wytt of trespass
is given to the party, to recouer hys da-
mages, or els the kynge shall haue the sute
after the yere & the day, as is mencioned in
the statute of West. r. Cap. rr. which be-
gynneth. *Parcuu est ensemment, que male
attours in Parkes ou en viuers. &c.*

A wytte of Replegiary de aueris.

*Ex hic salutem. Precipimus tibi qd iuste. &c. A wytt of
replegiari fac. A. de R. aueris sua: que B. de replegiari
repleit & iniuste detinet vt dicet. Et postea cum de aueris
iuste de duci facias. Ne amplius in de cla- is suchs.
mum audiamus p defectu iusticie: teste. &c.*

This wytt shall go out of the Chaun-
cerie, dyrected to the Shyriffe, that he
make deliuerance of the beastes of the
tenaunt whiche are in name of distresse.
And yf the Shyriffe serue not the wytt
than

Natura

thā ſhalbe made, as is aforeſaid. De hote
replegiand. And knowe ye y in takynge
of beaſtes. vi. thinges are neceſſary, that
is to ſay, very lord, very tenaunt, ſeruit
behynde, the day of the takynge, ſeyſam
of the ſeruitces, & win his ſe. And knowe
ye, that a man is not very tenant vntyl he
hath attourned to the lord by ſome ſeruit
ces. And knowe ye that a man may haue
a replenin, as well by pleynt, to the ſhy
rpe oz baylyſſes of the franchise, as by
wrytte. And knowe ye that the ſtatute of
Mest. ii. Cap. ii. which beginneth. Qui
dominus feodoꝝū. &c. wyl that yf the te
nant haue repleued his beaſtes by wryt
in the countye, the lord ſhall haue a Done
out of the Chancery, dyrected to the ſhy
rife that he remoue the plee, whiche is in
the countye oz in other court, betwixt
one ſuche lord and one ſuch tenaunt in
the kynges court, and the Done ſhall ſay
Done loquelaz que eſt en coſt tuo per bre
noſtrum, inter J. et. R. de auerſis ipſius
J. captis et iniuſte detentis. &c. And alſo
the defendant may remoue, but nat wryt
out reſonable cauſe, as it appereth more
playnly by the Regeſtre. But yf the plee
be without wryt in countye oz in court
Baron, than maye the pleyntye remoue
the plee into the comon banke, by the Re
coꝝdare facias. And the ſame maner may
the

bzenfum.

Fol. rlviii.

he defendat, with reasonable cause. And
now we see that yf the lord that dysstreynd
do dysstreyne another tyme after that the
shyryfe hath made repleuyn by wytte, or
wythout wytte, as well afoze the Done
or the Recoꝝdare as after, & for the same
thyng, for whyche he toke the dysstres a
foze, the pleintyfe may haue a wytte dy-
rected to the shyryfe for to attache y lord
for to be befoze the Justices of the comon
banke at a certayne day to answer, wher-
foze he toke the seconde dysstresse for the
same cause, yf the dysstres be made after y
Done, or after the Recoꝝdare, than the
wyrt shal commaunde the shyryfe, that he
haue the body of the lord befoze hym and
his coꝝoners at his next countye, and yf y
lorde be conuicted of the seconde dysstres
taken for the same cause, by the same way-
lyses whiche made the repleuyn, or by o-
ther good people of the same countye, tha
he shalbe amerced so greuouly that bys
chastisement, In casu consimili timorem
illis pꝛebeat taliter delinquentibus exem-
plum. And this wyrt is mayntelned by y
statute of Warl. Ca. 3. whiche begynneth
Requis maior aut minor. And the pꝛes-
s, in this wytte of Done. Somos, Atta-
chement, & dysstres. And for default of dy-
stres, pꝛoces of vclawꝝy against the defen-
der. And that appeareth in a manerlious
case

Parura

case, that the lord shall have the Done, for by the comon lawe, the defēdant shall not have the Done & the lord in this case appereth to be defendant, whā the tenant hath brought against him a repleuin, but it is not so here for a muche as the lord distreyned his tenaunt, for the seruyces and lutes, whiche to him was dewe. And ther for it shalbe intēded that he is demaūdant, & not defēdant. And this clause shalbe put in the Done. Quia talis distringit in feodo suo pro seruitiis sibi debitis. &c.

¶ Addicion.

¶ In repl. apn, it is a good ple for the defendāt to say, that the properte of the bestes, was in one suchē & not in h̄ plintyfe.

¶ If the lord distreynē his tenant not standing that h̄ tenant haue agaync h̄ bestes, he shall haue a repleuin, for that, that he may not haue an accion of Trepass. And it is a good ple to saye, that the pleintyfe hath nothyngē but in comon.

¶ And yf a repleuyn broughte in by ouers psons, the defēdāt may say, that the propty is in one of these pleyntyfes, & not to al. And yf a man take a false wryt of repleuin, by h̄ which the defēdaunt hath retourne the pleintif shal haue a new repleuyn, and so he may haue of as many false wryttes as he wyll, for that, that the lawe doth remedye but one suyte onely.

D. 201
D. 6.

Pa. 33.
C. 3.

Pa. 14.
D. 6.

¶ If a man in a replevin, another the car D. 12.
king of p. distress. et. et p. distress is come in E. 3.
the theates that is no good and hope for it
is said that a man may not distress him
in theates ne by other manner of co. except
they be in a cart; so a man may not dis-
tress in a house; so the tolls that may so-
lows in tearing of the same corse. et. 01
And so it is of a man; if it be not in a bag
it is so; that, the one penny may not be
more by the other; and that appeareth
in Trevisa.

¶ If a man a stranger to another shall
charge the plaintiff to answer upon him
though he claime not by him; upon who
he answereth to make, if he may have seylon
by the pleynities hands; so if the an-
swant accept him for his term; though
that he come in by assent of other party
that answer upon him. And if a lord in
the same ple. if p. bailie make cognisance
and the lord say to him, the pleynite
shall recover damages against the lord;
and if the lord answer for the same cause,
the bailie is maintainant out of the court.
¶ If a rent be granted to me, and another
her, and my fellow releaseth to me, I shall
make answer for al the rent, and yet I am
in several titles, but it is convenient that
I shew the release in mine answer.
¶ If a man hath estate, of one coparcener, E. 4.
E. 3.

Paradise
 Shall anowe for a rent graunted vpon the
 purperte, without deede, & shew the maner
 in his anowe & whose estate he hath.
 ¶ If the meane be for iudged, the lord shal
 anowe vpon the tenant for the arrerages
 in the meane tyme also & for iudger, &c.
 for he may not anowe vpon the meane in
 so muche that the meane shal be extinct.

**A waste of
no omittas
to such.**

[illegible]

THIS writte lyeth wher anye wythe
is bound to the myghte lord to do
the kynges commaundment. And the
myghte lord retorne the wyrt, and saye
that he hath sent to the bailles of the fra-
cheise, whiche haue retourne of wyrt
to thaim whiche fraunchise the wyrt shal
be serued, and the baille serueth not
wyrt, then the partie pletiffe shal haue
the sayde wyrt byged to the myghte
(Quod non offertur, &c.) Quia exequatur
preceptum domini regis, &c. And also a man

may haue anntementis aswel against þe bai-
lyfe of the franchese, whiche hath hole re-
course of the hynges wyttre, against the
shyrife aswel of smal yssues so returned
as in other cases, as it appereth by the sta-
tute of E. the. iiii. an. i. ca. b. And as is con-
teyned in the statute of West. ii. ca. xxi.
in the middes, whiche beginneth Multo-
Henis etiam. &c. that the shyrife shal warne
the baylyfe that he be afore the iustices at
a certayne daye, as is conteyned in the
hynges wyttre, and if he come at the daye
smytted, and hym acquite, that the shyr-
ife to him directed any pcept, than the
shyrife shalbe condemned to the losse of
the franchese, and yelde damages, to the
partie greued. And yf the baylyfe come
not at the daye assigned, or bint acquite,
than all the wyttres Judiciales, whiche
shal go out of the baile to þe shyrife, during
thesame plee: shalbe called. Non omittas
&c. And the shyrife shal make execution
of all the wyttres during the plee. And in
this case the lord shal lose the franchises,
dangyng the plee. And knowe ye that yf
the plee of Wisbernam be in the countye
and the shyrife sende to the baylyfe of the
franchises for to repleyn the beastes or
woodes, whiche are taken in the name of
hires, and the baylyfe wyll do nothing
than the shyrife of his office maye entre

in the franchises without wyle. As appe-
 reth in the statute of Mart. ca. cxi. whiche
 beginneth. *Provisum est etiam, qd si aua-
 rias.* And also the statute of West. i. Ca.
 xlii. whiche beginneth. *Purven est enle-
 vement que nul. et.* And therfore it is not hol-
 den in the one case ne in the other. *et.*

A wytt of
 Witherna
 is such.

R *et hunc solum in pluries tibi precipim: qd
 iuste sine dilatione rept fac. Aueria quo-
 que. B. cepit i iuste detinet (ut dicit) ut can-
 sa nobis significares quare mandata nra tibi in
 de directa et equi noluit nec non potuisti, ac tu
 nobis significaveris: qd post quam predictus B. a-
 uerit predicti B. cepit in comitatu tuo, et ea a comi-
 tatu nro rogavit de coram in coram is. quod iurati
 nra non potuerunt. Nos malicie predicti B. obe-
 nare valentes in hac parte. Tibi precipimus qd a-
 ueris predicti B. in balliva tua capias in Wither-
 nam. et ea detineas donec aueris predicti B. cepit
 possit iura renouem mandatorum nostrorum in
 tibi directorum recte. et.*

This wyttte lyeth where the lord of
 a toun shal take his tennant, for certayne
 services, or sayntes, and the lord doeth
 chase the distres to a forrele, or to a ca-
 stell, or out of the same countie where the
 distres was taken, into an other countie,
 or other shyre, so that the shirif maye not
 have the syghte of the beastes, for to ma-
 ke repleyn, or in suche lyke maner as ap-
 pertaineth by the Regestory. And if the ten-
 nant bypunge his wyttce of repleyn. *cut ali-*

hzenium.

Fol. li.

cut alias et pluriis, & the shiriffe retourne
that he may not haue the syghte of the di-
stres, for that, that the distress is chaled to
a soztelet, oꝝ castell; oꝝ out of one countie
into another, thā the said tenant that haue
the sayd wꝛite. &c. And know ye that by the
statute of West. i. Cap. xviij. which begin-
neth. puruen essentement, q̄ nul deloymes
&c. that if any enclose the beastes, whiche
he hath taken in name of distress, in a soz-
telet oꝝ castel, that the shiriffe maye make
as is conteyned in the same statute, at the
sute of the pleyniffe, that the shiriffe shall
go to the castell, oꝝ soztelet, & there warne
the lord, oꝝ him that toke the beastes to
make delpyerance, and yf he wyl not
make delpyerance, than he shall abate
the castel oꝝ soztelet for the trespass & dis-
pice done to the kyng. And knowe ye, that
if the distress be taken within a fraunchy-
se, and the baylyfe of the fraunchyse wyl
not redeliner, than the shyriffe after com-
plaint to him made, may deliner y distress
by his officer. As it appereth in y statute
of Harel. Ca. xxi. whiche beginneth. Pro
assum est etiam qd aueria. &c. And the pro-
ces is in this wꝛite as in the Done.

¶ Addition.

Know ye that in a repleuin at the Plea
it was returned, aueria elögata sunt
and the defendant appered, & not withsta-

G. iij.

dyng

Proces.

M. 8.

C. j.

Natura

ding a **Wylthernā** was awarded, and for
that, that it was awarded erroneously, &
iustices awarded a **Souple** for the defend-
ant, to the **Thypse** to surcease & if he haue
taken the beastes of the defendant that he
them restore, and the **Thypse** returned,
that before the **Superseas** to hym deli-
uered, he hath deliuered the beastes of the
defendant to the plaintife. And that the
plaintife then hath ecloynd, that he may
not them restore to the defendaunt. And
the defendaunt appereth, and pledeth to
the originall, that he toke them not, and
pralet a **Wylthernā** against the plein-
tife. And the court said, that if the plaintif
wil not wage deliverace, & he shal haue it.
¶ In a replenin after aduowze, the plein-
tife is nonsuyt, and the defendaunt sueth
a **writ de retourn habendo**, and the **Thy-
rise** returned, that thei were eloynd. In
this case he shal not haue a **Wylthernā** be-
foze & he hath sued a **scire facias** against
his pledges. So knowe ye, howe a **Wyl-
thernā** shalbe awarded against & pleintife.
¶ Note ye that the **Thypse** may awarded
a **Wylthernā** in his county where the re-
pleyn is sued by pleynite. For otherwile
it shalbe in vaine to sue a replenin before
hym, if he may not make proces.
¶ Knowe ye, if the beastes of the defend-
ant be taken in **Wylthernā**, the **Thyris**
ought

E. 7.
B. 2.

E. 9.
E. 4.
28. 21.
D. 6.

28. 21.
D. 4.

ought not to deliver them to the plaintiff,
but ought to keep them until the defendant
will helpder the other bestes first taken.

For the wyse wyl. *Quod capias. et de
tineas quousq. qd.* And that is to be enten-
ded in þe coms bāke, oþerwise it is in þe
gas benche. And so know the diuersitie.

The thy: pfe may make take. *xx.* Oren In. 13
D. 6.
E. 31,
E. 32
in Withernam, notwithstanding the re-
pleynng be hut of one Oren. And if the re-
pleyn be of pots & pannes, he may take
in Withernam, Oren and oþer goodes.

A writte de Libertate probanda.

Rex vtr. Salutē. *Profrant nobis A. q. est ipse A. wyte de
se libet homo sit, et pat. libertate sua pda. Liberrate
te B. clamās eū natūū suū verat eū iuste probanda.
Et deo tibi scipum. q. si pdict. A. fecerit te secus
de libertate sua pbandū, tunc possas laqueam
dom. coram Justit. nris ad pīmā assitā cum in
gratias venerint quia hūmī pbatō non pmet
ad recipiendū, et tūc tūc rēdem A. patem inde ha-
bere fac et die pto. B. quod sit illi loquētiā suā
utius pdictum A. vide ptosecutor si voluerit.
Et habeas ibi hoc breue. ac.*

A writte de Patina habenda.

Rex vtr. Salutē. *Præcipimus tibi q. tade et sine A. wyte of
villaciode habere far. A. natūū eū oibus cat. de natūo
his, et tota sequētia sua vbi cūq. inqer. fuerit habende
in balliva nisi sit in dominico nro d. fugit de tta is tache.
Et post coronacionem dñi B. R. p. aui nri. Et
pbitimus tibi super forstact. ne quis eū inuade
dūneat tēte ac. A. tūc si mālert in dominico p.
mūta tempus quam per unum annum et unum
diem, tūc fiat pto dominico natūū hor. bjeur.*

Statuta

Rex vobis salutem. Precipimus tibi qd si quum
B. clamat natiua sua in tui tuo per diem
necq manfere in domitio nro de B. per h
annu annu et vni diem cum calomnia non rem
neat loquela potta in com tuo co q manfere in
domitio de la per mhuu tempo. it.

These wryters lye for the lord whan
his nyse is dled frant hym, than the
lord shal have these wyrted to the hy
rple in what countie forner the nyse is
abwyng or dwellynge, that he cause the
lord to have his nyse with all his goo
des. And knowe ye that in suche wyrtes
mo niefes may not be demanded thā two.
But mo nyfes may bying the wyrt of
Libertate probada and that is in favour
of libertie. And if the nyse purchase his
wyrt of Libertate probada, before that
the lord purchase his Bond, he shal be
peace unto the next Assise of Justices in
Oyre, but if the lord purchase his Bond
before that the nyse purchase his wyrt of
Libertate probada, than the wyrt of Lib
tate probada, is nothing worth for the nyse.
And in this wyrt, it becometh that the lord
proue, that he was seple of hym, and
his bloude. And if the lord can proue
seplure of any of his bloud, he shal winne
nothing: yf the nyse haue not knowe
ged him selfe in court of recorde, to be
beliepin. And knowe ye that yf two cop
seners bying a wyrt of Paruo habens

as, and the one is nonsuited. The suyt for
 both shall suffice, and that is in fauoure of
 liberty. And knowe ye by the statute of
 Edw. An. xrb. De pūllor vidualis. Ca.
 bili. p not withstandinge the adournemēt
 in Eyre in fauoure of nuyes, for delaing
 thep lordes of their accion againste suche
 nuyes, the lordes shalbe receyved, to al-
 ledge exceptions of byllennage agaynst
 thep persons, in all wyttes where that
 the said wytt of liberate pzo banda is pur-
 chased by disceite, & the lordes maye seyle
 the bodies of those byllayns, aswell as
 they maye asoze such wyttes (of Libertat
 pzo banda) were ordeyned, or purchased.
 And loke in the statute of Richard the. ii.
 Cap. vi. An. r. whiche begynneth all gre-
 nous playntes que touchent lestate des
 villayns. &c. And knowe ye: that yf p byl-
 loun of any lord: haue dwelled in auncient
 demeane of the king by the space of a yere
 and a day, wicout sleaunder of the lord or
 clayne, he may not haue hym by no wyte
 out of the sayd auncient demeane. But it
 is sayde yf he be sonnde oute of auncient
 demeane, the lord may seyle hym as his
 byllenn. And knowe ye that this wytte
 is bycountpet, and not retournable but it
 may be remoued by a pone, out of p cou-
 tre, into the comon banke, as it is sayde.
 And knowe ye in case that p lord be not a
 ble

ble to discreyne his villaines, to cause the
make & do they? serhytes, he may have
byl dyrected to þe wypp, for to be applyed
to him there, where he is not sufficient. &c.

E A wypp de Moderata misericordia.

A wypp de
Modera-
ta miserie-
cordia i
suche.

R Ex ballinis A. de J. vel tali domino vel de
salutē. **M**ōstrauit nobis A. q̄ cū ipse nūq̄
meriandū esset in cūc tna de A. vel in cūc
dicti dñi de J. p̄ mobilia delicto in q̄ recidit, ac
vel vob̄ ab eo gñe exigit v̄l exigitis redemptio-
nem contra tenorem **M**agne carte vel libertati-
bus Anglie in qua continetur, q̄ nullus liber ho-
mercist, nisi scdm quantitatē delicti, et hoc sal-
uo contento suo, et villanis saluo wayngis sui.
Et ideo tibi vel nobis prescripimus, q̄ a prefato
A. moderatam capias, vel capiatis misericordiam
secundū quantitatem delicti illius de clamor. **N**os
nos inde perueniat iteratus, teste. &c.

Thys wyppte lyethe, in case where
man is amerced in county or court
barō, moze greuously than he ought
to be amerced, in daynyge no regarde
the quantyte of the trespass, than he shall
haue the sayd wypp to the wyppte, yf it be
in county, or to the daylyse, yf the pleyne
be in court barō, that they shal not amer-
ce hym ouer greuously, but after þe quan-
tite of the trespass. And yf they moderate
not the amerciamont by this wypp, than
shal there go out, a Sicat alias, vel can-
sam nobis significes. And know ye: that
the register in thys case gyuerh no other
proce

Quere.

breuitum.

Fol. liii.

proces after that Sicut alias, vnt a by-
mons. Et ideo quere. And yf they do no-
thyng by thys wyte, than shall go a tra-
chemet out of the Chaucerye against the
they be befoze the Iustices at a certayne
day, & after the attachement retourned:
yf they come not: than shall go out a by-
tres, and for defaute of a distress, proces
of outlawry. And knowe ye that no man
shalbe amerced by the lawe, but haunng
regarde to the quantite of his trespas. A
marchaunt sauyng his marchaundise,
and a byllayne sauyng his gavnage, ha-
unng regarde to the quantyte of the trespas
as appereth in magna Carta. ca. xlii.
Nullus liber homo amercietur. &c. & in
Mestyn secunde. Ca. xl. which beginneth
E nul Cite, brough, ne belleine nul hōs
amercie sans resonable encheson. &c.

A wytte de Transgressionē.

Rex viē salutē. Si A fecerit. &c. tūc Bone. &c.
B. q. sic. &c. tali die ostēd quare hi et armis
in ipsū A. apud P. in cultū fecit et ipsū vtr-
trauit, vulnerauit. et male tractauit. Et alia
enormia et intulit ad graue dāpnū ipsius A. et
interpacē nostrā. Et habeas. &c. teste. &c. Aliter
in quocera. Offensū quare in quocera ipsius A.
apud F. foderūt petras ad valentiam. &c. Pl. sine
licentia et voluntate sua reperunt. &c. Aliter de
colūbis. Offensū quare colūbare ipsius A. apud
Quocant fregit et colūbas suas in eodē co-
lūbare exidentes maliciose interfecit, per quod
dem A. volatū eiusdem colūbaris totaliter a-
misi et alia enormia. &c.

A wyte of
transgressionis
is such.

Thys

Thyt wylt lye where the Trespas
is made, or done to any mā or wo-
man, and supposed that the trespass
is done with force, and armes. Then he
to whom the trespass was made shal have
his wylt, and in thys wylt he shal recover
damages. And note yethat the Statute of
West. r. Cap. xrbii. whiche begynneth
Forces que ascugent; de la tre. &c. a man
shall have a wylt of Attaynte in ple of
Lond, or fre holde, or of a thyng that tou-
cheth frehold. And now by the new Sta-
tes of E. iii. An. i. Ca. vi. Attaintes shal
be graunted, in wylts of Trespas aswel
upon the damages, as upon the pyncepal.
And the Chauceler hath power to graunt
this wylt without speakyng to the kyng.
And that y Justices in no case of attaint
shall let for to take attaintes of the dama-
ges not payed, and by the Statute made
Anno. b. E. iii. Ca. vii. in the ende, a man
shall have a wylt of Attaint in ple of tres-
pas mowed befoze the Justices without
wylt if the damages adiudged pas. &c.
And after by the Statute of the same kyng
An. xrbiii. Ca. viii. A wylt of Attaynte
shalbe graunted, aswel vps a byl of trespass
as by a wylt of trespass without haupyng
regard to y quantie of y damages. And af-
ter by y Statute of y same kyng. An. xrxiii.
Ca. vii. a man may have attaint, aswel of

the royal, as of ple personall. And that y
wyt of attaynt be graunted to poore men,
y wyl swere y they haue nothinge, toher
at they may make fine: sayng they? cou
enances they shall haue it without fine,
as all other shall haue it so: the fine. And
knowe ye that a wryt of Trespas, no at
taint shal not be meintened, yf the dama
ges pas .xl.s. before iudgement. And no
wryt shal hold pleyn counte, if the da
mages pas .xl.s. And that is ordeyned by
the statute of Glouc. Cap. viii. whiche be
gineth. *Puruen est in diem que litis.*
et. And this wrytte shal not be remoued
in the comon banke withen the county
pleyn in countie, without wrytte. it may
be remoued afore the iustices, because y
the ple toucheth freholde; or in case that
the defendant do claime the pleyn to
be his willeyn, and suche like cases. And
if this wrytte hath bene of recorde by
suche cause, that the grounde where the
tres greto, was the frehold. *Ceterum quem
damus est.* And the procees in this wrytte
enuelement and dysces, and so: default
of dysces, thre capias, and a exigent pro
ceymeth in fyue countyes.

¶ Addicion.

In trespass it was sayde: yf a lease be
made to a man so: terme of yeres, & after
the terme is expyred, and the lesse holdeth
hym

Procees

¶ 2.

¶ 3.

hym in; and the lessons entretche nat to
the occupacion after the terme, this wyl
of Trespas wyl not lye.

D. 22.
C. 4.

¶ It was said in trespass: ec. that for the
misfacer of a thyng, taken for damage
saunt, a man shalbe charged as, a trespass
soure, from the beginninge, and so it is
of a distress take yf it be mesured: ec. And
in this case the defendante wyl justifie
for damage saunt, & the pleyntif shew
howe he hath misfused that and so of hy
owne foronge that is no good replicaci.
But he shewe the misfuser, & no more
for the lawe in hym selfe entredeth y quare.

D. 17.
C. 4.

¶ In trespass a dyuersyte was put when
a man is impleaded, for not doyng of a
thyng that he ought to do, and when he
hath done a thyng y he ought not to do.
For in the first case he thinbeth y he shal
not be punysshed by an accio of Trespas
quare vi et armis. But an accion upon
case lyethe, but in the other case he shalbe
punysshed. Quare vi et armis, quere ranc.

D. 4.
C. 12.

¶ In Trespas. Quare fillum et heredi-
funt abouit. ec. & for that, y he shew
not, that the mariage to hym belonge
excepcon was taken, but for all that, it
is thoughte it is not allowable, for it
may be that the auncestour of the infan-
helde of the pleyntyse, by knyghtes ser-
ces, & yet he shal not haue the marpage.

he may holde of another by ppygite.
In Trespas agaynst thre, they pleded
not gilty, and founde gilty, the one dyed
for the enquest taken, yet the pleyntife
had indygments reconer against the other
whiche were on lyue.

C. 1.
D. 6.

In a wypte of Trespas, of beastes ta-
ken, the defendant iustified, as baylyse
for seruices behynde. &c. And the pleyntif
sayd, he was not baylyse. &c. And wher
of they were at pssue, he pleyntif shewed
in euidence, howe he toke the in clayming
them as harriottes for hym selfe. Thys
though that he lord after agre to his takig
for seruices due to the lord, yet he maye
not be sayde his baylyse. But yf he take
the without comaundement, for seruices
due to the lord & the lord after agre to the
takig, he shalbe iudged as bailif, though
he was not his baylif in no place afoze the
takig and so the byuersyte.

D. 1.
D. 4.

In trespas of two Chartours taken a-
way, the defendant pleaded not gilty, &
was found gilty, to the damages of, xl. s.
And was pleded in arrest of ingemt ther
that he pleyntife shewed not in his decla-
ration, howe much land was cōpyssed to
in the Chartours, & not allowed. And dy-
rectlye put betwixt this accion & a wypte
of Detinue of Chartours for in Detinue
he demaundeth the Chartours & there he
ought

C. 19.
C. 3.

A report of
disceps
is such.

De scendi. sc. apud w. sc. ad rhdendum pdrco B.
de plico pdrcto. Et etia q. l. vnu p cuius visum s
quozunda C. D. H. et J. d. mand Justie nris apd
Westm: q pdrca tertia pars capta fuit in manu
nam et etiam W. r. num de scdis luth per que
die madamus Justie. nostris apd Westm: q. d.
luth fuit enstendi sc. apd westm: sc. ad rhdendu
predicto B. sa de principali plico: quam de pres
dicta defalta, et ocs tras sc. oct. Punt ad certiss
randum pdrctis Justie. nostris simul cu pdrct J.
C. D. H. et J. de luth in captione pdrctis et au
lud iudic. suu de plus defaltis pē etia tibi q. d.
de pdrctū G. nuper vic. coth pdrcti et ocs tras
eis redditus sc. q. sit sc. ad pstatu eminu ad cer
tissand simul sc. et ad aud iuditiu suum sc. Et
in ipse eunt sig ibid in ppria persona tua ad cer
tissandam prefatis Justie. nris simul sc. Et ha
bras sc. teste sc.

This wypte of Disceit, is some times
Original and somerymes Judiciall.
But whan it is Original, than it lyeth in
case where any disceit is made to a man
by another, by whiche disceite, he maye
be disherited, or otherwyle euill entrea
sed, as it appereth by the Regestre, than
he that is in suche maner disceyued, shall
haue the sayde wypt. And the Proces is,
Attachement, and distres vnto the pre ap
pere. And whan it is Judicial, than it ly
eth out of the rolles of recorde. As in case
where a Scire facias is sende to the thy
pte that he warne a man to be before the
Justices at a certayne day, and the thirise
mourne the wypt serued, where the sayd

Proces.

man was not warned, by whiche discepte
 the partie that sueth & Scire factas, reco-
 nereth, than the partie whiche oughte to
 haue ben warned, that haue the said writ
 against the partie, whiche hath recou-
 red directed to the Shyrife of the same coun-
 tie. And also it lieth in case, wher a Writ
 de q reddat, is brought against a man, by
 force of whiche writte he shalbe somone-
 ned to be before the Justices at a certayne
 day, & the Shyrife hath retourneth, that he
 was somoned, where he was not some-
 ned, vpon whiche false returns, and dis-
 cepts of the Shyrife, the demandant shall
 recover seyson of the lande by the default
 of the defendand, than he to whom the dis-
 cepte was made shal haue the writ dyrec-
 ted to the Shyrife of the same countie, that
 he cause the partie to come, whiche hath
 reconered. And also the somoners to an-
 swere of the disceite, & falsnes & they haue
 made, aswel to the kyng, as to the partie.
 And shalbe comaunded to the Shyrife, & he
 take the lande into the kynges hande, & if
 the one, or the other hath the lande vnto
 the ple be discussed betwixt the and the Shyrife
 shal answer & make accompt in this
 case, of al the yssues & cometh of the lande
 in the meane tyme, to the Barons of the
 eschequer. And know ye & if the somoners
 die also that thei be examined, the pleyn-
 tiff

life in this action shall never recover the
 lande. But than he shall haue a writte of
 Deceit byon his case against the thirte
 and recover against him all in damages.
 And knowe ye: that whan this writte is
 sued against the thyrte, the Coroner of
 the countie shall make execution of the
 writte as the thyrte shall do, if the writte
 were brought against a stranger. And so
 shalbe done in all cases, where proces is
 made against the thyrte in his countie.
 And now by the newe statutes of Ed. iii
 An. ii. Cap. vltimo, a writte of Disceyte
 shalbe maynteyned, and shal hold place as
 well in case of garnishment whiche tou-
 cheth ple of lande there where suche gar-
 nishment is due, as in case of somons in
 ple of lande. &c.

¶ Addition.

Knowe ye that if deceite be made in the
 kynges bench, Chauncery, or in the Es-
 cheker, this writte shalbe brought in the
 places where those disceytes were made
 and not els where. But of dysceyte before
 Justices of tryel baston, or of Wyer and
 terminer, after office determined, a wyrt
 of Dysceit shalbe brought in the comon
 lawke, and it is couentenc for him to haue
 the recozde, if disceyte be made in any o-
 ther place. And knowe ye, that a wyrt of
 Dysceit lyeth against the attourney: yf

20.19.
D.6.
E.9.
E.4.

E.19
E.1.

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Natura

he be absent by discepte.

And knowe, that a wyte shall not abate
for defaute of soyme; if he haue good sub-
staunce. And if attourney be informed by
his maister to pleade a false ple, the which
he may not pleade by conscience, he maye
haue suche entre (quod non fuit veraciter
informatus) idem nullum. et. for to ayde
hym in a wyte of Discepte.

A wyte Discepte was graunted by the
Justices in a wytte of wast where at the
graunde distresse, the pleintif had a wyte
to enquire of the wast, and by the Inquisi-
cion the wast was founde, by whiche the
pleintife hath iugement to recouer, where
defendant was neuer somoned, attached
nor disceined, & the wyte maynteyned.

A man recovered in a Writte of red-
against. iii. of certeyne lande, by defaute
one died. the two shall haue a wyte of dis-
cepte if they were not somoned, notwith-
standing that the action was geuen to the
chyrde in his life: for that, that it falleth in
inheritance, & it was sayd, that if iudge-
ment be geue against two by defaut, wher
of the one was tenant, and the other had
nothyng, he that was tenant shall haue a
wyte of Discepte, notwithstanding, that
the record proueth these two to be tenan-
tes. And also it was sayde that the kynge
shall haue the issues of the lande after the

first

byentum.

Fol. lxx.

first ingemone, & not the party whiche recovered by disceit. And also it was sayd, that the heyre shall haue a wypte of disceit of iudgement rayled against his father of certayne lande, but he in the reuercion shall not haue a wypte of iudgement rayled against his tenant for terme of lyfe, &c.

A wypte of Rescuffe.

R. Ex. vi. salutē. D. i. B. &c. tunc pone r. B. q. sit
11. apud W. &c. osten. quare. C. vidē. A. p. B. &c.
nuntē suū quondam equū ipsius B. apud A. is such.
in modo suo p. con. et seruic. sibi debiter capt
trahet et idē B. equū illū sibi s. d. m. legem
et consuet. regni nostri Anglie in parcare voluit.
In et p. dict. B. equū illū v. i. et armis rescuff.
sit et alia enormia. &c. ad gratie &c. res. &c.

This wypte lyeth where any lord. D.
streyne his tennaunte in his proper
te, for certayne rentes, or seruices, or cu
somes behynde, and the tennaunte come
with force and armes, and wyl not suffer
the lord, nor his seruauant or hym to take
the distresse; but to them make rescuffe,
than the lord shall haue the sayde wypte.
And also if any baylyfe, or ministir of the
lynge, or of anye other lord to whome
speciall auozitie is genen to dystreyn,
and rescuffe to them be made, they shall
haue the sayde wypte. And in the same
maner may the wypte or other baylyfe,
which hath power to take any mā by the
lynge's comaundement, if rescuffe to the
B. iij. be

Proces.

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be made. And a man may have the sayde
wytte in many other cases, as appereth by
the Register more playnly. And the pecc
is in this wyte. Attachement and distress
and for default of distress three Captas
one Crigent, as in a wytte of Trespass
for it is supposed he made rescuſſe with
force and armes against the peace.

C. 14

D. 44

C. 44.

C. 5.

Anno. 3

Item.

Post.

Abdicion
Whoever that if the lord come to dy
steyne his retainant, and see the bestes
the tenant chase them from him, the lord
shal not have a wyte of rescuſſe, for that
that he hath no possession of them in deb
but he may folowe and take the whether
so ever they be chased.

If a man take bestes, damage feasant
and in dryingg them by the hye waye to
repynd the, the bestes entre in the hand
of their possessor, and he that took the
bestes prayed delivraunce, & the posses
sor wyl not them delivuer: a wytte of
rescuſſe lyeth

**A wytte de
audiendo &
terminado
is such.**

A wytte de Audiendo et terminando
Rex dilecti et fidelibus suis S. et M. salutem
Sciatis q. assignavimus vos Justic. n. ad
inquirend per sacrum probum et legum
hominu de com. S. per quos rei veritas melius
scire poterit: qui malefactores, et pacis nostre
turbatores blada ad valeat. x. li. apud
venit vi et armis cepit et asport. et alia re. ad
re. et contra pacem. ad transgessum. et

et terminandū secundum legem et consuetū regni
nostri Anglie. Et ideo vobis mandam⁹ q̄ ad certū
diem et locum quos ad hoc prouideritis p̄missa
expleat in forma p̄dicta facta in de schm q̄ ad
Just. pertinet in hac parte saluis nobis amercia-
ment et alias ad nos inde spectantibus manda-
mus eū vīc. nostro cōm p̄dictis: q̄ ad certū diem
et locum quos et scire facias coram vobis tot et
tales probos et legales homines de cōm p̄dicta
per quos rei veritas melius scire poterit et in-
quiri. In cuius rei testimonium has lras n̄as
fieri fecimus patet, teste r̄c.

This wrytte lieth in nature of a wrytte
of Trespas and lieth where anpe af-
fray oꝝ trespass is made to any mā against
the peace of our souerayne loꝝde the king
the whiche affraye oꝝ trespass is haffely
to be redressed and amended, oꝝ other wise
there shalbe great hurte of peace oꝝ dis-
payre of the lyfe of the same man, than he
whiche is in suche maner affrayed oꝝ tres-
passed, oꝝ damaged, shall haue the sayde
wrytte, but he shall come to the kyng and
to his counsell and shewe in a byl. And if
he is that it be to do, he shall grante to the
part the sayde wryt dyrected to the shy-
re of the same countie, that he cause to
come before the Justices assygnd to here
and determine this affray, oꝝ trespass, for
a probos. r̄c. these whiche shal trie such
affraies and trespasses. And also the Ju-
stices assigned to here & determine these
affrayes oꝝ trespasses, shall haue a r̄missi-

Natura

tion open, in which shalbe cōtained what they haue to do, and what shalbe their power. And knowe ye that the wyrt whiche shal go to the hyppses is suche.

Rex vobis salutē. & signauerim⁹ dilectos vobis. et vobis scire fac. vultis facias coram vobis tot et tales sc. de cōtra tuo per quos vobis omnes illi quod vobis et quorum idem R. et vobis scire facere, si predictus J. scilicet et tunc possit. ac ad fuit vobis. Et habeas vobis. scilicet vobis.

Pota

And note that these writtes, shall not be graunted, but by the king, & none hath power to here & determyne such affrayes but the kynges Justices, and sergeantes whiche be sworne to the kyng, and that is giuen in the statute of Westm. iii. Capitulo tricesimo nono, whiche becometh breue de transgressionibus. &c.

A writte of de Erroze corrigendo.

A wyrtte of Erroze corrigendo is suche.

Rex vobis salutē. et vobis scire fac. Quia in coram vobis pcessu, de etiam in redditibus vobis loqueles que fuit in curia nra civitatis predictae coram vobis pstat vobis. sine vobis nro inter R. et B. de quadam transgressionibus J. per pstat B. illat vobis dic. error intervenientis nro scilicet et quod eiusdem B. accipimus. Nos errorem si quis fuit erit, modo debito corrigi, et partibus predictarum pnam et celerem iudiciam fieri volentes. in hac parte vobis pscriptum: qd recordum et pcessum loqueles predictae coram vobis in pleno huiusmodi nro civitate predictae vultis eam in pstat. partibus predictarum p vos super hoc si interesse voluerit munitionem recitat, et diligenter examinari errorem (si quis intervenit) in hac parte nro modo

modo coram; et peritibus predictis plena et celeret
iusticiam inde fieri fac. pnt de iure et scdm con-
suetudine ciuitatis predictae fieri faciendum. et.
et sic: vos prefatis hic predictis exequi et secus
ritate coram vobis inueniendū vel faciendū ad res-
pondendū eidem de superediatis. et.

Thys wytte lyeth in case where false
iudgement is gūen in h̄ comon bāke
before iustices assygned for to take
apples, or before the Mayre & Shypps of
London, or in any other towne franchises
seu, than he agaynst whom the iudgement
is gūen shall haue this wyte dyrected to
the Iustices or other mynysters before
whom the iudgement was gūen. And yf
false iudgement be gūen in London, than
shalbe made, as before sayd in the wyte of
false iudgement, that they make the recozd
and pcesse of iudgement to come before the
Iustices of the kynges bench. And also
that they cause to warne the pty; whiche
recovered, to be afore the same iudges of
the kynges bench to pursue forth in his
ple, as the kynges court shall award. And
knowe ye: that whan the recozd and pro-
cesse are comon before the Iustices afore
sayd, they shall correcte and amende the
iudgement if that righte may be made to h̄
partyes. And knowe ye: that a wyte may
nat be mainteyned, but yf the iudgement
be of recozde, for yf the iudgement be gū-
en in court Baron, countye, or in hun-
dred

dyeth, whyche is not of recorde, than the
 party that hath a wyrt of Faur iugement
 and not a wyrt of Errour. And if any be
 impleaded before Justices, and the party
 take exception before his aduersary why-
 che exception the Justices wil not allow,
 than the party oughte to do as is orde-
 ned by þe Statute of West. ii. Ca. xxi. whi-
 che beginneth. Cū quis implacitatus. et.
 þis is to say, that the party shall wyrt by
 exception, & praye one of the Justices to
 put his seale to the byl, and whan his byl
 is sealed he shal go to þe Chauncery of our
 soueraigne lord the kynge, & put by the
 byl to the counsell. And than the kynge shall
 make the hole recorde to come afoze hym.
 And yf the sayde exception be not founde
 in the recorde, than shalbe commaunded to
 the sayd Justice, that he be afoze þe kynge
 at a certeyne daye, at whyche daye, yf he
 come & may not denye his seale, than shal
 be commaunded to hym that he go for the
 the iugement, accordynge to the sayd ex-
 ception. And know ye: that the Register
 giveth a wyrt of Errour, of Faur iuge-
 ment gyven before the Shyriffe and his co-
 roners in countie, or in a wyrt of Host dis-
 seyson, and shalbe redzelled in the kyngs
 bench. And in the same maner may be in
 a wyrt of Reddysseyson, & the cause may
 be, soz that, that these wyrtis of Reddys-
 seyson

sepsen, and Doll disseysn, are of telerde;
for they shalbe involved in the Chauncery,
and the transcript of the shalbe put in the
Cisterker in the end of the yere. As it ap-
pereth by y^e Statute of Westm. ii. Ca. viii.
in the ende, which beginneth Cum y^e pla-
cium nostrum. And know ye: that a wyrt
of falsse iugement shalbe retourned befoze
the Justices of the comon banks. But a
wyrt of Error shalbe retourned befoze
the Justices of the kynge's bench. And
know ye that yf Error be made in the
cisterker, it shalbe redressed by the Chan-
celor and tresorer: as it appereth by the
Statute of Ed. iii. An. rrrr. Cap. xii.

Addicion.

Affyle broughte agaynst the gardelne
of a chapel of the kynges graunt. And y^e
pleyn was of land & rent, and hangyng
the affyle, the gardelne resygned to the
kyng, and he gaue that to one J. S. and
that affyle passed for the pleynple, and J. S.
was put out & brought a wyrt of Error
as succellour, assigned for Error y^e hys
predecessour was not named gardelne, &
that the kyng was seyled hangyng the
affyle, & it was awarded: that the wyrtte
lyeth for hym, and y^e iugement reversed.
The same law is of a Prebendarier. But
y^e that purchaseth hangyng the wyrt a-
gaynst hys feoffour, he shall not have a
wyrt

C. 15.
C. 3.

Pa.34.
p.6.

wyt of Error for that, & he cometh to
by his own dede, & not by course of law.
¶ If a Quare impedit, or Trespas, be
brought against many, and one confesse
accis, or pleade so that he is straitned, he
shal not have a wyt of Error, but the
matter be determined against these other
for & recorde may not be remoued before
that all the matter be determined, & after
that, he that confesse the accyon may haue
a wyt of Error.

Pa.7.
p.6.

¶ If a wyt of Det be brought agaynst
two by one toyne & recipe, & the proces is
by several & recipes, that is Error.

¶ If the tenant in especiall taylor hath
sue a daughter, and lose by erroneous
proces, and after hath pssue a sonne by an-
ther woman, & daughter shal haue a wyt
of Error, & not the sonne. For that, that
he is heire to the speciall taylor, and the
sonne is heire at the comon lawe.

Pa.7.
p.6.

¶ If erroneous together be gyven in the
kynge's bench, the same terme it may be
redressed by wyt of Error in the same
banke, and the rolle shalbe amended; for
that, that at times the same terme the re-
cord is in the Justices, & the rolle is but
they remembraunce.

p.21.
p.6.

¶ If a reconerpe be capled agaynst the
tenant in taylor, or for terme of lyfe, he is
the reconerpe shal haue a wyt of Er-
ror

bzentum.

Ho. lxiit.

roue, and reuerse that by the comon lawe
to that p statute is not but in affirmance
of the comon lawe. The statute is An. ix.
Richardi secundi. Capl. iii.

¶ And knowe ye that ther is a diuersite p. 4.
betwixt a wypte of Errour and a wypte of h. 6.

faur iudgement: for that, that faur iuge-
ment is not of recorde, bnto suche tyme p
it be herd. And yf the wypte by whiche
it is remoued be abated, it is come wyth
out warrant. Than it shall continue be-
fore the iustours, for it is as no wypte.

But other wyse is in a wytte of Errour,
for that was a recorde before. And a re-
cord may be brought in the kyngs bench
by a iudge of the comon place wythoute
wytte. But these iustours maye not
wythout wypte.

¶ And a wypte of Errour lieth all tymes p. 18.
agaynst him, that is party or pzeupe, not E. 3.
wythstandynge that he be not tenant: for
that, that the error oughte to be tried by
the record. But in fals iugement the wypte
shalbe al tymes agaynst the tenant of the
land, not wythstādinge that he be a straū-
ger to the iugement: for that, that these
errors shalbe tryed by auerment, & not
by the record: for that, that it is not a re-
cord, whyche auerment none shal haue.
but the tenaunt of the lande.

¶ A wypte de Conspiracione.

Her

Cap. xlii.

Cap. xii. which beginneth. *Quia multi p
malicia. &c.* wil that a man shall not haue
a wryt of Conspiracie of no appeale whi
che shalbe determynd befoze Justyces,
whych are recozd, for it shalbe enqyred
of thabettours befoze them selfe. And yf
anye be founde abettour, he shall haue a
wryt Judycpall agaynst these abettours
the whiche is gyuen in place of a cōspira
cie. And also a man may haue a wrytte of
Conspiracie where he is indyted within
a Cytie Bzoughe oz other towne of any
act oz dede be made within & place where
they haue coroners wythin they? fraun
chise, whan he shalbe acqyted afoze the
maire and the bayllifes of the towne, and
that shalbe suffycient to recozde the deli
ueraunce, yf he be another tyme peached
of the same felonye in the kynges courte
And that everye suche inditement of the
act made wythin the towne, the mayre &
the baylifes maye delyuer hym from the
gaole. And also where felonye is meyn
mynded within the same cytye oz bzoughe,
but yf a felon be indyted out of the fraun
chise, and after is taken within the fraun
chise, the mayre & the baylifes maye not
haue the conusaunce wythout lycence of
the kynges iustices whych are assygned
by wrytte to deliuer the gaole of the same
countye, but to the selfe they may not. &c.

And

And the Justices assigned to here and determine ple of trespass, and of felony haib power to enquire of suche conspiratours and the Proces is vt supra.

¶ Addicion.

¶ If a man conspyre to endite another after the conspyratour is swozne in the quest to present for the kyng, and he doib informe his felowes that the sayd. J. D. hath made suche a felonye, and afoze that the verdyte be gyuen, he is put oute of the panel, a wyrt of Conspiracy lieth against hym, but yf he had ben dyscharged after verdit, he had ben dyscharged of the conspyracy, for that, that the lawe intendeth that all that was made afoze was lawfully made, for that, that it is executed bi his other.

¶ A, and B, by false conspiracy betwixt them made, procured certayne people to indite C. of the deathe of one D. bo soze of whiche he was indyted and arrayned of the deathe of D. & he knowledged and iustified, by force of whiche he went quyt by iugement, in this case C. shal not haue a wyrt of Conspiracy, for that, that D. knowledged the felonye & of that was acquyted by force of the lawe as of a thynge which was not felonye by the lawe, and it was not to A. and B. to knowledge whether it was felonye or no.

20. 10.

D. 6.

An. 22.

C. 3.

R. 1. 6.

hrentum.

fol. lrb.

If one moche diuers people to endite
me, and after he that procured hath a
impellon, and alsoe hym I am indited, I
shall haue a wyte of Conspiracy agaynst
him, & this shal I do. Shall not excuse hym
of the wrong made before, and so it is if a
man be sworne for to answere thenquest,
this other shall not excuse hym.

Item of a wyte de Compositio.

Receit. Calice. Recipe. De iure re. vbi
Intelligibile compositum cum de iure
huiusmodi. Cum in 2. et recepto de iure
vbi B. et dic. Et nisi fecerit et predictum
fecerit et fecerit. Et tunc summat et predictum
quod sit et ostendit quare non fecerit et
vbi B. et dic. Et tunc summat et predictum
quod sit et ostendit quare non fecerit et

An. xrb.
C. 3.
R. 1. a. c.

A wyte de
Composito
is suche.

This wyte of accompte lyeth in case
where any bailiffe, Chamberlayne or
receptour, whiche oughte to yelde his ac-
count, will not accompte yelde, than he to
whome that compt oughte to be giuen shal
haue the layd wyte. And the proces is so
made by the iury, and to the default of default
the Capian and an Origeni whiche shall
be retained in the court. And know
that by the statute of Westm. II. C. 1.
whiche begynnerh. De seruientibus bal-
livi, that the bailiffe render accompte,
of the befornde in arrearages shal. And
knowe whiche are to hym assignes,
the power to commit hym or deliuer
him to the next gaole, and there to abyde

Proces.

A. J. Under

under good hopeinge unto he make grete
 but if he be sued, and in the said outlaw
 wherby he is taken and put in pylson in
 the gaole, than he is repleuissable. And let
 the Shryffe, Waplyfe, or Cordeyne of the
 gaole take good heed that he be not let to
 magnifye without writte especially in
 hym dyrected upon the sayd matter, or w
 out the kynges licence, yf he doe, he shal
 paye to the lord his damages, and that
 wylle the statute afore sayd, and knowe
 that executors of executors shall haue
 an action of det, of accompt of goodes re
 uen of the first testatour in the same ma
 ner as he shoulde haue if he were in full
 lyfe. And knowe ye that the same exec
 utors shall answer of so muche as they
 haue recovered of the goodes of the first
 testatour, as the first executors if they
 were on lyue. And that wylle the statute
 Ed. the third. An. xii. De prouisoribus
 criminalium. Ca. b. And knowe ye that the
 rule of West. ii. ca. xliii. executors shall
 haue a writte of accompt, and the same ac
 tion & proces as the testatour shoulde haue
 had if he were on lyue. And also by the
 rule of Edward the thirde. Anno. lili.
 Cap. viii. executors shall haue an action
 of Trespas made to their testatour, of
 goodes and cattels of the testatour taken
 awaye in the lyfe of the testatour, so as
 reco

reouer damages agayste the trespassour
in the same maner, as these to whom they
are executours shoulde haue if they were
on lyue. And also by the Nature of Mark.
Cap. xvi. whiche begynneth. *Provisum*
est etiam. &c. if the Wardeyne in socage
make waste the heyre whan he cometh
to his full age shall haue a wyte of accôpt
against the gardeyne, in this maner. *Si*
fecerit. &c. *tunc sum.* &c. *B.* *quod sit.* &c.
often. *quare cum de comuni consilio reg-*
iministri Anglie provisum sit: quod custod
terrarum et tenementorum que tenentur
in socagio heres terrarum tenementum cum ad
plenam etatem pueniunt reddant rationa-
bile copotum suum de exitibus terrarum et
tenementorum puenient de tempore quo cus-
todiam illam habuerunt ratione minoris
etatis heres predictorum. idem B. *prefat A.*
rationabile copotum suum de exitibus puous-
ient de terris tenementum ipsius A. in A.
que tenentur in socagio, et quorum custod-
iam B. habuit dum prefat A. infra etatem
suit reddere contradic. ut dic. &c. teste. &c.
And knowe ye that if the ple be in counrey
by a wyte of accompt the party pleyntiffe
may remoue the ple into the comd banke
by the Done, as in a repleyn. And also
it may be remoued at the suit of the defen-
dant, but not without good cause, and it
is to knowe, that in the Elchecker at the

luyt of the Exchequer of London; it was awarded that there where a man impleaded another by writte of Accompt, or by pleint after the blage, and Auditors be assigned by the courte, the party shall not haue a writte of Ex parte talis but there where the lord assigneth auditors then the party shall haue a writ of Ex pte talis.

¶ Addition.

MS. 9.
D. 6.

¶ The writ was brought against a woman, and it was chalged for y, that there is no such soume in the Chauncery, and notwithstanding it was awarded good.

D. 44
E. 3.

¶ The writ was tempe, quo fuit balliuus in C. & the writ was chalged for y that there is C. & one without addition and the writ awarded good.

D. 31.
E. 3.

¶ The writte was tepe quo fuit balliuus sui predecessoris, and was chalged for that, that at the comon lawe he had no action and the Statute helpes him not, but defendaunt durst not demure in lawe.

MS. 2.
E. 3.

¶ In a writ of Accompte against a gardene in socage it was not shewed by the writ, ne by the declaration that he is not scend, for the whiche writ was chalged and not allowed.

In, 1. D. 6.

¶ In accompt of. x. li. by the handes of A. B. the defendaunt said that he made a writ to the pleintife, & to the same A. B. which testifieth the recepte iudgement without the writte.

¶ The writte

bzeuim.

Fol. lxxv.

Setoing the deede, this is a good plee in discharge of accompt, and not in barre.

In accompt of the receyte of C. H. the defendant said that accompt was take be- A. 11. D. vii
twey the pleintife and the defendaunt by Quere.
their frendes that the defendaunt in full
satisfaction, shall make to the pleyntise
an obligacion of the sayd C. H. for all des-
tes, detennes, and encreasementes that
the sayd pleyntise may encrease by reaso
of the receyte. &c. And that was holden a
good barre.

It is a good plee for the defendant to say P. 4. C. 3.
that he hath accompted afore the pleintife
at such a place.

In accompt against one as receyuour H. 5. h. 5
the defendant sayde that the pleyntise de-
liuered the money to hym, & that he shuld
go to a Lumberd for to make exchaunge
and to receyue letters of exchaunge by
whe of whiche he receyued the letters, &
these deliuered to the pleintise without
that he was his receyuour in anye other
maner, this was holden good barre.

These ples folowpng be in dis-
charge of accompt.

In accompt the defendant said, that at P. 9.
in the receitte at P. the money was rob- C. 4.
bed fro him by certayne felons, and that
is a good plee in discharge of accompt.

In accopt the defendant shall saye, that H. 12. h. 4
A. 14. after

Satura

after the receite that the plaintife graunted to him, that he may receyue the sayd money in the name of paymet of another somme, which he ought to the defendant.

D.4.
E.3.

In a wrytte of accompt, it was supposed that the defendaunt hath receined. **C. xi.** the defendaunt sayd as to **C. xi.** you your selfe receyued the sayd **C. xi.** by a deed that here is whiche testifieth the same receyue and that was holden no barr, but afoze auditours the ple shall be allowed.

D.12.
D.6.

If Auditours be assigned, and the parties be at vsue afoze them, the Auditours shall byng the recorde to the Justytes of the comon place, and recorde all that, that was made afoze them.

D.22.
E.3.

If a man accompt afoze the plaintiff he may not award him to pylon, for he may not be his owne iudge, by whiche he shall be awarded to accompt of newe.

D.17.
D.6.

If a man be founde in arrerages byn his accopt, and the Auditours suffre hym to go at large, at another tyme after they may not awarde hym to pylon.

E.11.
D.4.
D.14.
E.3.

If two executors be, and the one receyue money due to the testatour his co executor shall not haue an accion of accompt against him for that money. The same lawe is of two marchauntes whiche hath goodes in comon.

Fol. lxviii.

#3.45

६३

59.9.

Fig. 6.

3 wypt de

Espectro

ing is fast.

3 wypt de

Espectro

ing is fast.

A w2pt of Det.

A type of

Get is such.

This wytte lyeth in case where anye
somme of money is due to a manns
reason of anye loue, or of anye other
J. iij. con-

3.119.

CON-

Statute

Proces.

contract to be payed at a certayne day, or
if any be bound to any other to paye cer-
teyn somme of money, at a certayne day,
at which day he payeth not, nor will he
pay, than he is to whom the det is due; shall
haue the sayde wryt. And the wryt in this
wryt is *Sonomus, Arachemes, and distric-
tius* for vnder of distress. *Lapis* and an
exigent proclaimed in three counties. And
know ye, that if a wryt of Dette, *Lapis*,
or *Accomp* be broughte againste an
Archbishop, Byle, or baron, or are lordes
of the parliament, no proces of vylawery
lyeth against them, but all tymes distress.
And the cause is for that, that it is suppo-
sed that they haue sufficient, wherof they
may be distreyned. And knowe ye, that a
wryt of Dette may be pleaded in county,
if the det amount not to .xl. s. As it appe-
reth by the statute of *Gloc. ca. viii.* which
begynneith. *Patruu est ensement que dis-
ples. &c.* And if the det be of .xl. s. or more
than it shalbe pleaded in the comon ban
afoze the Justices by wrytte. And knowe
ye that if a contrade or couenant be made
to executours of a det by reason of goodes
sold, whiche were to the testatour to paye
at a certayne day whiche day is past, and
he bryng a wryt of Dette, the wrytte shal
say. *Quos et iniuste detinet: ut dic. & non
debet*, and the cause is for that, that the de-
bet.

ben supposeth property to the executor and the executors may not have pperce
shynges whiche were.

Addicion.

Knowe ye: that sometimes a man shal
be charged of a contract made by his wife
hys selfe seruaunt other, or other such per-
sons, by the or other such thyng to my
ble. I shal answere for that act, and the
pleynthe shal not the we in hys declara-
tion that the dayle hath warrant to by for
me, but for that, that they come to my ble
I shal be charged.

C. 3. R. 2.

But after Newton, yf my servant or
wyle by certeyne thynges, though they
come to my ble afterwarde, I shal not be
charged, but if he by to my ble, and soyne
he bynge to my ble at that tyme of the
contract made, thā I shal be charged yf it
come to my ble. Quere of this diuersitie.

H. 20. h. 6.

Ans.

But yf a wyle by in open market the
husbande shal not be charged for that, yf
it come not to the use of the husbande, for
it may be that it shal be charge to the hus-
bande, and the husband shal not be char-
ged of a contract made by hys wyle in such
manner; but if I commaund my wyle to by
thynges necessary, &c. I shal be bound by
that commaundement, but if my wyle by
thynges to kepe my household, as breade
and I haue no knowledge of that though
it be

Quere.

C. 14. h. 7.

Ans.

Jul. 10.

Natura.

It be spent in my house, I shal not be that
god for them. By Jpneur chiefe Justyce.

D. 13. C. 3.

¶ In dette the pleyntyfe declarthe byon
a contract, that is to saye, yf the pleyntyfe
take the doughter of the defendant to his
wyfe, that the defendant shal give to him
xx. li. and the pleyntyfe sayd that he toke
to wyfe the doughter of the defendant. &c.
Jpnech, he demaundet he bys det by cause
of a contract whych toucheth matrimony,
iudgement yf the court wyll hold ple,
and not allowe. &c.

D. 58.
C. 3.

¶ Det agaynst. ii. by one Recipe byon
an obligacion, by whych these. ii. were
hounded ioynly, and every one severally
in the hole, & the one come by the capias
and the other made defaute, & the pleyntyfe
declared agaynst him that came. And
Jpnech Justice sayd that the pleyntyfe byon
this obligacion, myght have demaunded
this dette agaynst them ioynly or se-
verally at his election; & by the maner
he hath nowe taken bys wytte, the one
shall not answer wythout the other, for
whych cause he that cometh shall have
Idem dies by maynprys.

D. 38.
C. 3.

¶ In a wytte of Dette, the pleyntyfe de-
clared that the defendant bought of hym
certeyne beastes and other thinges to the
balus. &c. And the defendant sayd that the
pleyntyfe had nought in the thynges solde
but

benium.

Fol. lxx.

but as executour to one **A**, the which **A** made the playntife, and one **B**, as executours, & whiche **B** is not named in this writte, iudgement of the wyte, & so that, & the pleintife hashe declared of a contracte made betwixt the, so that defendant is become dettours to the pleyntife the wytte was awarded good.

Knowe ye: that it is sayde in a wytte of wast, &c. that if a woman being bounde in an obligacyon take a husband, the husbände shalbe charged of the dett duringe the lyfe of hys wyfe, and after her deathe he shalbe dyscharged: excepte the iudgement be gyven agaynst hym in the lyfe of hys wyfe.

Note ye: that it is sayde yf a man be bounde to a woman sole & the wyfe take a husband, & the day cōpyled wythin the obligacyon passeth duringe the maryage yf the husbände dye wythout releasyng or acquityng the obligour, the wyfe shal have an acciō of Det upon that obligacyon after the death of the husband. **Quere** if the executours obteyne & obligacion, if they shal have the sayd obligacyon.

A wyte de Cattalis reddendis.

**Ex viē saluē. Precipe A. q. reddat B. ca-
talle ad valent. x. l. q. et minūse detinet et
in die et nisi fecerit, et predictus B. seriet te so-
cū de clam. suo p. r. tunc sum. &c.**

**A wyte de
cattali red-
dendis is
suche.**

This

In matris

W. 49. c. 3

*notari de
m.*

E. 17. B. 26

Contract

Quere.

Proces

This writte is, wher any goodes
are deliuered to any mā to kepe by
to a certeyne day at wyche day he
cometh and demaunders his goodes, and
the other with holdeth them, than he shal
haue this writte. And the Proces is as in
a writte of accōpt. And that is gūen by the
new statute of C. iii. An. rrb. de prohibi-
tionalium. Ca. xlii. that is to say to make
attachement, & distress, proces of vñlaw
and these proces is gūen in detynue of
goods, as in a writte of Accōpt. or p. sup. p.
And it is to know that in a writte of Det-
tē there shalbe sayd, que ei debet. He in
a writte of Dette, if exrecutours aske of ex-
recutours goodes or dettes, the writte shal
be al times que in iuste detinet. And also
the Iustices of the banke. Quos ei debet
et in iuste detinet, excepte it be of goodes
than the writte shalbe. Que in iuste detinet
tū. And if the dette be demaunded afor
the Iustices in Eyre, the writte shalbe,
quos ei debet tū. And yf it be of goodes,
que in iuste detinet tū. And yf the pley be
of dette, or detynue amōutpyng to the sōme
of. xl. s. or aboue, and is pleaded in county
or court baron without writte, the partye
shal not haue a writte of false ingement, ne
a writte of exrecucion iudicij, except to the
courtes of Cyties or in other places that
hath iurisdiction by custome. And also if
the

the plee of dette be moved in counye that
 amounteth to the somme of. xl. s. or moze
 the partye defendant may haue a Super-
 sedias directed to the shyppe that he cesse
 in the plee. And note ye: that a man maye
 haue a writte of *Pone Recordare* in these
 wyttys as in a wytt of *Accompt*. And also
 a man may haue a *Supsedias* dyrected to
 the baylifes of any court, if they holde plee
 of *Det* or of gooddes that amounteth to.
 xl. s. or above. And also in many other ca-
 ses touchynge dette or gooddes, as it ap-
 pertyneth by the Register. And note ye: that
 certeyne proces is gyven agaynst execu-
 tors: & delays put out in luche ples by
 the statut of *E. iii. An. ix. Ca. iii.* If a ma-
 nie intestate, & the ordinary make deputie
 & most next frende of the dead for to mini-
 ster his gooddes, these deputies shall haue
 an accoynt to demaunde dettes due to the
 dead person as executors shall, & answer
 in the kinges court to other, to whom the
 said dead yson was bounde in obligacion
 in like maner as executors that answers
 & are acceptible to the ordinaries as ex-
 cutours are. an. xxxi. *E. iii. Cap. xi.* And
 also by *Westm. ii. Cap. xvi.* which begin-
 neth *Et post mortem*. &c. the ordinary shall
 answer of the dette in whiche y dead was
 bounden as farre as the gooddes sufficeth
 in lyke maner as executors shulde of the
 dead

*Instat
 pro det*

deade had made hye executors. And in case þ the ordynary make his executor, and dye afoze that these dettes whych the dead ought be payed, than these to whom the sayd det was due, shall haue a wypte of Detynue against the executors of the ordynary. An. xi. C. 7. And in an. xv. C. in one Robert Wyheringe brought suche agaynst the executors of the ordynary. Note of what by alymentes & possessions of goodes, a man shalbe charged.

Nota.

¶ Addition

¶ 9.4.6.

¶ If I make a wyptynge sealed, and the deliuered to J. S. vpon certeyne condicions to be perfourmed, & than to delynue to M. P. and K. P. obteyne the dede, the condicions not perfourmed, I shall haue a wypt of Detynue agaynst J. S.

¶ 9.4.7.

¶ If my father delynued to K. a dede of feoffement to delynue to hym and to hye heires, & one J. obteyne the dede, I shall not haue accion agaynst J. yf I haue not the land, for yf a straunger haue the land the dede belongeth not to me, for it belongeth to the executors.

¶ 6.2.53.

¶ But yf I be enfeoffed by dede wyth a warrant, and after I enfeoffe another in fee, and bynde me and mine heire to, warrant & dye, yf any haue the dede by whiche I am enfeoffed, my heire shall haue a wypt of Detynue, and so yf my father be

disseised,

brenum.

Fol. lxxv.

Annot

disseised and dye, I shall have a wyttre of
Detinue, though I have nat the lande.
And of Chartours taken out of my pos-
session, my executors shall not have ac-
cion of Detinue.

¶ A dede or anye other thyng delyvered
to a monke upon condicion to rebeliner, a
man shall not have an accion agaynst the
Abbot and his monke, for the monke maye
not charge the Abbot agaynst his wyl,
but of a delynere made to a monke to deli-
ver over to the Abbot upon a condycion
of the Abbot perforce that, than he
shall have the thing for ever, nowe I Ab-
botte shalbe charged alone, wythout na-
myng the monke wyth hym.

¶ The same lawe is of a delyuere made
to the husbnde and to the wyfe, the wyfe
shalbe brought agaynst I husbnde alone
other wyse the wyfe shal abate.

¶ But if a woman come to a thyng as
executrix, whyche woman taketh a hus-
bnde, nowe the accion may be brought
agaynst the husbnd and the wyfe joyntly.

¶ And if the wyfe have coexecutour wih
her, it is no plee for her and her husbnde
to saye I her fyist husbnde made his exe-
cutors, we the said husbnd & wyfe, and
one I, which is in full lyfe, not named, &c.
for the possession chargerh hym.

¶ Note ye, that a man shal have a wyttre

C. 1. h. 3.

D. 32.

E. 3.

C. 39.

E. 30.

T. 12. e. 3.

P. 41. e. 3.

of

Statute
of Detinue against the husbande and the
wife of a delivere made to the wyfe when
she was sole afore the marriage.

Pa. 6.

q. 9.

In Detinue of Charroues, a tenant
may pleade a delivere in another countie
and the reason is, for that, that he may
not wage his lawe.

Pa. 8.

C. 4.

Pa. 6.

C. 4.

A man may not wage his lawe in
Detinue of Charroues.

Pa. 3.

Pa. 7.

q. 6.

When Detinue of twenty quarters
of wheate, he may wage his lawe.

And yet, si. wyte be brought by divers
pleynctes agaynst the defendannt of any
thinge, he may pray that they may inter-
pleade, as if. if byng several wyttes of
Detinue agaynst one of one obligar, and
every one declare a severall delivere
made by them, in this case they shall
plede not withstanding the declaring of
severall deliveres, for that, that it is not
transferable, but consuetized to be action.

In. 14.

q. 6.

If. ii. wytes be brought agaynst one
man of one thinge, and the one pleynct
declare of one delivere in the countie of
S. and the other declare of a delivere in
the countie of M. in this case they shall
not interpleade, for it may not be indet-
red one delivere of one thinge, and the de-
fendannt shall answer to both pleynctes.

C. 18.

C. 3.

But if the defendannt cōfesse the action
of one of these pleynctes, the other shall
have

bzeusant.

Fol. lxxiij.

haue his remedy by his accion, and they
shall not interpleade.

And if the parties be awarded to enter,
pleade, he that hath the wzyt of elder date
ought to declare first.

Note that when the defendaunte in a
wzytte of Detinue prayeth garnishment
he is out of the court maintenaunt for to
plede any ple, but hath day in court to de-
lyuer that, that the pleintife demaundeth
to him to whome the court awarded.

And an other delyuer a chyngge to
depe and to redelyuer to vs, or to the one
of vs, in an accion bzought by one of vs,
it was saide that the deliuey was in ma-
nor boide, for it is in no certeine to whom
it shalbe deliuered, but admitte that the ac-
cion was bzought by the one of vs. Quer. Quer.
If the garnishe shall haue the pls in a ba-
timent of the wzytte for to shewe the mar-
ter in so muche that the defendaunt hath
compted the wzytte good. And the oppo-
nion was that the wzytte bzought by the
one shall abate.

¶ A wzyt de Catallis nomine
districtionis.

This wzytte de Catallis nomine di-
strictionis capris reddend maye not
be maynteyned in no place but within a nomine di-
strictionis, or within a house for rent go-
ing out of the same house where a man is suche.

3a. j.

may

Satura

may take the doores windows or gates.

¶ A wrytte de Cartis reddendis.

A wryt of
Cartis red
dendis is
suche.

Rex vñ salutē. **P**receptū d. q. r. reddat B. quā
dā cūcū est cartis scriptis et aliis munimentis
ac diversis cartis et bonis in eadem cūcū conten
tis sub seruo ipsius B. clausam, quam r.

Rex vñ salutē. **P**receptū tibi q. d. iusticiis
q. iuste r. reddō B. quādam cartam; vel duas
cartas vel tres, vel quoddam scriptū oblig. vel
quoddā scriptū cōventionale, quā vel quas ei i
iuste detinet, ut dīc sicut rationabilē monstrari
poterit, quod ei reddere debeat. **N**e ampli⁹ inde
clausa aut p̄ defectu iusticie teste,

This wrytte lieth in case where any
wrytinges or chartours of feoffment
are deliuered to any man to kepe, and he
to whome the wrytinges were deliuered,
wyl not them redelyuer, whan the other
these demaunderth shall haue this wrytte.
And knowe ye that it is conuenient for
hym to shewe the certaintie of this Char
tours dimaunded, or otherwise this wryt
shall not be mainteyned. And the proces
is somons, attachment, and distress vnto
the partie come. And no proces of vñlaw
ry lieth in this wryt, for that, that it tou
cheth freeholde. And in ple that toucheth
freeholde, no proces of outlawry is genen,
but by the new statutes of Ed. the thyrde.
Cap. xxiii. Proces of vñlawry is genen in
a wryt of Dette: Detinue of goodes, as in
a wryt of accompt.

¶ A wrytte of Audita querela.

By

Rex Justie. Int. de baco salutē. W. graunt q. d. wisse de
 rela J. accepimus q. cum idem J. nuper co. audita que
 ram J. de w. tunc maiore vii. W. et M. de rela is luy
 d. tunc clerico re. recognouisset le debaf B. C.
 lib. ad certos terminos indicta recognitione con-
 sent. solvend. ac idē J. post modū per quandam
 indenturā int. ipsos J. et J. cōfessit: q. si predicto
 J. soluerit p̄dicto J. singulis annis ad. iiii. anni
 terminos p̄ equales portione quēd. redō. xl. s. ex-
 eunt de terris et testis p̄dicti J. aut it. fr̄is eius
 de J. in villa de R. et in subrebio de R. ad totā
 vitā ipsius J. q. tunc p̄dicta recognitio C. lib. pe-
 nit. caseret. et p̄ nullo haberet put. p̄ alterā par-
 tem indenture p̄dictę p̄ dictū J. sigillat. quā idē
 J. penes se habet ut asserit. plenus poterit appa-
 re. Et licet p̄dictus J. dictū redditū. xl. s. p̄fat.
 singulis annis ad terminos p̄dictos equis por-
 tionibus a tpe recognis. p̄dictę confect. vltor. ad
 festū Pasche An. iiii. bñ et fidelite soluerit et eūd.
 redditū eidē J. semp. ac renus a festo pasce usque
 ad eōd. terminos solvere paratus fuerit et ad
 hoc existat. p̄out vicibus et modis quibus libet
 conuenit paratus est solvere eidem J. executione
 iur. dictarum C. lib. de terris et testis ipsius J.
 per testis recogni. p̄dict. persequitur minus iuste
 in ipsius J. non modicā grauamē. Et cetera vñ
 et auctum indenture p̄dictę. Et q̄a eidē J. inu-
 clamosamus in hac parte vobis mandamus: q.
 vñ altera parte indenture p̄dictę et vocatis
 corā vobis partib. p̄dictis auditis que hinc inde
 eorum rationibus vltorius in hac parte fieri fa-
 ctis. quod de iur. et secundum consuetudinem
 regni nostri Anglię fuerit faciend. teste re.

**Hys wyttte lyeth in case, where a
 man is holden to another, in a cer-
 tapne somme of money, by Statute**

Statute

stand
marchaunt, to paye at a certayne daye; or
otherwyle, that he shal forsaite the pen-
tio of the statute marchaunt, within which
day, the creansour releaseth to h dettoure
the same some, or otherwyle by couenaunt
of endenture betwixt the made, that is to
say, that the dettoure shal pay to the crea-
sour a lesse some of money every yere by
lytel parcelles vnto the same some be fully
contented & paied, & if he do, than the o-
ther shal not sue the statute, than not
standynge the release or indenture, the
creasour sueth to the Maire & baylifes in
execution of the statute, that is to say that
the dettoure be taken, and put in prison
till the det be payed, than he to whome the
release or indenture was made, or his next
frende, shal come to the Chaunceler and
shewe the release to hym, than this writ
shalbe graunted and directed to one of the
Justices of the comon banke, and after
he shal haue somons out of the comon
banke to the thyrpe in what countie so-
uer that the creansour is in, to cause him
to come at a certayne day, at whiche day
if he come not than he shalbe distreined,
and if he come not at the dystres retou-
ned, the other shalbe restored to his land.

¶ Addition.

¶ One was taken by a Capias vpon a
certificat of a statute marchaunt, & sheweth
(9)

bzen sum.

Fol. lxxv.

for acquitaunce of the pleyntyfe, & prayed
that he myghte be demaunded, and so he
was, and appered not, wherfore the defen
daunt prayed that it be recorded, and to
him it was denyed, for that: that he hathe
no day in court, wherfore he prayed a *Ue
nire facias*, or a *Scire facias*, against the
pleyntife to aunswere to the deede, and to
hym it was denied, and it was awarDED
that he shall sue *Audita querela*, or els he
shabe without remedy.

The wyrt of *Audita querela* reherbeth
howe the recognise hath released all acci
cūs by his deede, & also that he hath relea
sed by endenture byō certayne condiciōs
the whiche was sulsylled, and the wyrtte
was chalenged for that, that it reherbeth
these two titles, where one extinguissheth
the hole, wherfore the court awarDED,
that the pleintife shall holde hym to þ one
and so he helde hym to the release.

¶ 44
C. 3.

Note that it behoueth all tymes that
the *Audita querela* make mencion of the
release, acquitaunce or defendauce, for
otherwysse the pleyntyfe shall not haue a
superfediās.

¶ 8
C. 3.

Knowe ye that if one *Audita querela*
be chalenged, for that that it doeth not ac
cōde to the statute, and the recognysour
putteth afoze another wyrt of *Audita que
rela*, & prayeth that the defendaunt maye

¶ 25.
C. 3.

R. 19.

an

Patena

answere to his dede, in this case if the defendant wyl not aunswere (now whan he hath day in court to aunswere) to this writtes, than a Venire fac. vpon the two writtes shalbe awarded, & a Super sedas to the shirife, and that is a disauauntage of the defendant y the first writ is abated.

¶ A writ of Si recognoscat.

A writte of
Si re cognoscat. is
such.

R Ex vic. salutem. Hec tibi q si Si recognoscat se debere B. xl. s. sine ulterioze dilatione: tunc ipsum disceingas ad predict debitum eidem B. sine dilatione redd. teste r.

This writ lieth where any man ower to another a certayne det, and the detour knowlegeth afore the shryffe in his countie that he is dettour to suche one, than he to whome he is dettour after the recognisaunce made shall haue the sayde writte. And by this writ he shalbe distrained vnto he hath made gre to the partie for the dette. And note that this writte lieth not, but of money nombred.

¶ A writte de Executione facienda.

A writte de
Executione
facienda
is suche.

R Ex vic. salutē. Monstrauit nobis B. q si ipse nuper implacitasset in coram tuo p B. nūm A. de debito L. s. et idem A. in pleno consilio recognouit se debet pfato B. rande peniā ad certū eminū reddendū. tūc termino illo raso et eādē pecuniā eidē B. nōdū soluit illā ad paimoniā suā scdm recognitionē pfect. huiusmodi hence nō fecisti in ipsius B. dāp nū nō modicū et grauamē. Et q idē A. put istū fuerit subdatus volumus in hac pte tibi pter. y si ita est pcedam illam

brentum.

Fol. lxxvi.

illam de bonis et catallis ipsius. In balliva tua
brug et illam eidem B. henre fac. sine dilat. ne claus
ad nos inde p[ro]ueniat iteratus; teste. &c.

This wrytte lieth where a man impley
beth another in countie befoze the shi
ryfe, and he that is the dettour maketh
there a recognisance befoze the shryffe to
pay to the playntife thesame somme at a
certayne daye, the whiche day is past and
the somme not payde, nor the recognisse
wyl not paye the sayd somme to the plain
tife, than the pleintife shall haue the saide
wrytte that is called de Executione facta
end, de recogn facta in com, directed to the
shryffe commaunding him that he make
execution of the same knowledge.

A wrytte de Secta molendini.

Rex vic. salutē. Hec. A q[ue] iuste et sine delatio
ne fac. secta ad molendinū B. de C. quā ad il
lud facere debet et solet ut dic. Et nisi predictus
B. fecerit &c. tunc sum &c. q[ue] sit &c. ostendā quere
non fecerit. Et habeas &c. teste. &c.

A wryt de
secta mole
dini is such

This wrytte de Secta molendini (being
in the debet a solet) is a wryt of ryght
and it lyeth betwixt straunge persones
for suche suyte withdrawen. And if the
lorde aske suyte of his tenant, he may di
steyne and auowe the distress to be reso
nable. And that was vled in the tyme of
E. sonne of kyng H. and suche wryt may
be made in the countie and in the banks,
as it appereth by the register.

B. iij.

A wryt

Natura

I wytte de
q pmittat
is lych.

¶ A wytte of Quod permittat.
R. Ex vi salutis. **P.** Recipe A. q iuste et. et sine de
latione permittat B. here com pasture in A.
de qua C. pater predicti B. cuius heres ipse
fuit seilicet: ut de feodo tanquam pertineti tene
mentum suum in eadem villa die quo obiit: ut
dicit. Et nisi et.

This wytte lieth where a man is dissei
sed of common pasture, and the dissei
sour doeth alven and dyeth, and by
heire entred, or the disseysy dyeth, than
the heire of the disseysy, or the disseysy self
shal haue the sayd wytte. And note ye, that
a quod pmittat was bled: here rationabile
est ouarium in bosco. vel in turbaria et si
milibus. But in place of this wytte is ge
uen Assyse of Ronel dist. as it is sayde in
the statute of Westm. ii. ca. xrb. which be
gynneth. Quia non est aliquo bre. et. for
by the statute is ordeyned: that if any be
disseised of his turbarie, althynge or of any
other suche lyke that belongeth to his fre
holde for terme of his lyfe at the leste, he
shall haue Assyse of Ronel disseysyne. And
also by the statute of Westm. ii. Ca. xxiij.
which beginneth. In quibus casibus. et.
that if any persone of holy churche be dis
seised of his comon of pasture (leuyng
the disseysour) he shall haue Assyse of Ro
nel disseysyne of comon of pasture. And
in the same maner wyll, that the surren
sour shall haue a wytte of Quod pmittat
against

agaynst the dysseylour or his heyre, But
in case where they are many comoners,
which hath comon of pasture together by
bede or couenaunt. And þ the lozde leaue
vpon the comon a mylle or a backe house
The comoners shal not haue Assyle of no
nel dis. but shalbe helped by the common
lawe vppon theyr couenaunt or especy
ally. And that is gyuen by the statute of
Westm. ii. Ca. xlv. which begineth. *Quia*
in statuto. &c. in the ende. And not yet that
whan this wryt is in the debet withoute
the solet, a man oughte to declare of þ seyl
son of his auncestour, and shal holde hys
suyt derelyued good, than lyeth battayle
or great Assyle. And whan the wryt is in
the debet and the solet, and a man shal de
clare of hys owne seylson, & not to saye, to
hold hys suyt derelyued good, & thys wryt
shalbe tryed by þ enquest. And thys wryt
shalbe pleaded as a wrytte of trespass by at
tachement & distress & not by þ graund Cape
or petit Cape. And it is to knowe, the yf a
free tennaunt be put out of hys comon of
pasture by hys lozde, or yf the lozde hath
appzoned contrary to the statute of Mar
ton. Ca. iiii. & agaynst the statute of West.
ii. Ca. xlv. so þ the tennaunt hath no suffi
cient pasture, he shal haue Assyle of No
nel dis. of comon of pasture. And yf þ pa
sture be surcharged by one fre tennaunt,
they

they shall haue a wryt of Admesurement.
But yf the tenant surcharge the pasture
the lord shall not haue a wryt of Admesu-
rement agaynst the tenant, nor the tenant
agaynst the lord, but the lord shall haue
Astyle of Pouel disseysne de libero ten-
mento, q̄ hoc dubitat. And knowe ye: ȳ a
wryt of Quod permittat may be pleaded in ȳ
courte befoze ȳ thyrse & it may be in the
debet & solet, oꝛ in the debet wout the so-
let, accordynge as the demandant clay-
meth. And yf a man dysseysed of hys co-
mon of pasture, & the dysseysour dyeth
his heyre entreth, the dysseysour shall haue
a wryt of Quod permittat, & shall make men-
cion of the dysseysour. And if after ȳ death
of the dysseysour oꝛ his heyres a straunge
purchasour entreth, he shall haue a Quod per-
mittat in the debet and solet, whych shall
try the ryght. And yf he demand comon
of pasture of the seyson of his auncestour
the day of hys death, he shall haue a wryt
of Quod permittat that shall make mencion
of the seyson of his auncestour, the whiche
is in nature of Mortu. But yf a straunger
entre after the deathe of ȳ dysseysour, he
shall haue agaynst the straunger no other
wryt but the Quod permittat in the ryght.
And knowe ye: ȳ a quod permittat lieth of
comon turbarpe, spyllynge, & of reasona-
ble estoner agaynst the dysseysours of a
dissey.

bzenfum.

Fol. lxxviii.

displeyne by him or his aunccestours made to the pleyntyfe or hys aunccestours, & in no other degres. ¶ Note ye: that in the Quod permittat, y is of the nature of the Mortdācestour may not be pleaded in the county. But the Quod permittat ad cert numerū aueriozū may wel be pleaded in countye in the comon banke, or in Cyze.

¶ In a Quod permittat in the debet and Addition, solet, of a way of his owne seison, it is cō- ¶ 30.
uenient for the pleyntyfe to clayme the ¶ 6.
way in hys declaracion by prescripcyon or by deede: so that, that he claymeth to take suche pzoofte in the seuerall of another parson.

¶ Note ye: that yf a man and al his aunc- ¶ 41.
cestours were wout to grynde at my myl ¶ 3.
wout multure, and the mylner wyll not suffice hym to grynde wythout multure, wherby the mylner taketh multure. In this case a man shall not haue wyzte of Quod permittat, but a wyte of Trespas.

¶ And not ye: that ther is .iiii. maners ¶ Nota.
of Comon (that is to say) Comon appendaunt. Comon appurtetaunt, Comon ingros, & Comon par cause de visinage.

¶ Comen appendaunt: is there, wher a ¶ 4.
mā is seased of a maner to which he hath ¶ 6.
comon in other seuerall appendaunt to y ¶ 20.
same maner. And this comon may not be occupied, but with his proper bestes, & ¶ 6.
suche

Patura

suche as doth compester hys lande.

In. 21. h. 6. ¶ And if a man claims comon appendant, he oughte to clayme it by reason of a mesuage, otherwyle it is not good.

20. 4. e. 3. ¶ And note: that a mā may haue comon of tpslyngge belongynge to hys house as well as comon of pasture.

20. 4. e. 3. ¶ And knowe ye: that Comon appendant may not be seuered frō the lands to whiche the comon is belōging. And if y^e tenementes, to whiche a comon is belongyng come in the possessiō of hym that hath the land, out of whych the comon is purchased, than the comon is extynguyshed in his person. And yf the tenementes after ward, be seuered by alienacyon, as they were afoze, than the comon is appendant as it was befoze, after Scot.

E. 37. l. 6. ¶ Comon appurtenaūt is whā a man p^rscribeth to haue comon appendant to his land wyth all maner of beastes, and thys comon may be made gros.

20. 5. h. 7. ¶ Comō in gros is where a man p^rscribeth, that he & his auncestours hath had comon in the lands to beastes wout nombre, & he may occuppe thys comon, wyth what maner beastes y^e he wyll, and may take beastes of a straunger to gyfte. &c.

In. 22. h. 6. ¶ Comon par cause de visnage is where the towne of Dale, & the towne of Sale are adioynynge, and the lord of Dale and hys

hzenlum.

Jo. lxxix.

his tenementes hath vsed to comon in the
mass ground of Dale, bycause of his neygh
bour heade.

¶ And note ye: that to land newly appor
tioned: a man shall nat haue comon: but in
auncient lande hyd and gayne.

Jo. 10. C. 36

¶ If a man graunt to me to comon wyth
my beastes whersoever hys beastes go, &
after he occupieth & manureth C. acres
of land with his beastes, and after it hap
peneth so, that he hath no other beastes,
yet I shall haue my comon in the sayd C.
acres of lande. But if a man graunt to me
to comon whersoever his beastes goethe
(it is sayd) by Partynē y I shall not haue
comon, but whan he cometh.

Jo. 40 h. 6

¶ Note ye: that it was sayde by Fayrstar
that yf one hath a way belongyng to hys
maner, or to hys house by prescriptyon,
this way may not be made in gros, for y
that none may take profit of that way, ex
cepte he that hath the house, to whych the
way is belongyng. But a comon appur
tenant may be made in gros, & anowson
appendant may be made in gros: for that
that people may haue profit of the, not w
standynge that they haue not the lande.

Nota.

¶ But of Comon of Estouers to be vsed in
a house, may not be seuered and be made
in gros, nor Comon appendant, whyche
is by reason of the tenure, &c.

A wyte

101018.

¶ A Wzpt de Quo iure.

Rex die salutē. Si fecerit te secut. 11. iur
sum. 11. B. q. sic corā. 11. ostendit q. iure
git cōmunitam pasturam in terra ipsius.
in. 2. sicut idē. B. nullū habet cōmunitā in ter
ra ipsius. 3. nec idem B. seruitia facit: quare cō
munitū in terra 3. habere debet, ut dicit. Et ho
beas tibi, sum et hoc bene te se. 11.

Thys wytte lyeth, wher a man hath comon of pasture in another mans feueal (after the time of the memorie vnto this present day) thā he to whom the feueal belongeth, shall haue the sayd wyte, by whych he shalbe charged to answer, by what tyle he claymeth to haue comon of pasture in y feueal of y pleintiff.

And note ye: that the lord maye not put out the tenant of the comon; for if he put hi out, he may haue assyse againe the lord, for that, that the tenant was seised of the comon after the lymytacion of assise. But it is conuenient that the lord haue this wrytte, & thys wryt is gyuen to trye the ryghte. And the proces is in thys wrytte, Somons, attachement, & dysces, vnto the partye come, & whan the partye cometh & pleadeth in the ryghte to the action, and after make defaulte, thā shall go a Graunde dysces in place of a petit Cape. And this wrytte shalbe determynd by batayle, or by graunde assyse as wel as any other wrytte of Ryght.

Adición

bzentum.

fo. lxxx.

¶ Addition.

¶ And knowe ye, that thys wrytte lyethe **An. 2.**
for tenant of the grounde, but not for hym **E. 3.**
that claymeth comon by Verle.

¶ A Quo ture broughte by two, the one **E. 11.**
was nonsuit, & the other was receyued to **E. 3.**
the sole; and the defendat iustified by pre-
scription. &c. And therfore he wēt quyte.

¶ A Quo ture may be brought agaynst **E. 14.**
several tenants. **E. 3.** D^r yf they & they^r te-
nants enter comon bicause of visnage, o^r
of time whereof memo^rye dothe nor cōne
though that the one gayne al his lande o^r
inclose, yet he shall haue hys comon with
the other, and the other shall haue a w^ryt
agaynst hym for to haue his comon.

¶ A w^ryt de admensuratione pasture.

Rex vic salutē. **¶** Questus est nobis **E. 3.**
in iuste superoneravit cōmunē pasturā suā
in A. Ita q^d in ea plura habet animalia et
pecora q^d habere debet. et ad ipsū pertinet habēd.
Et ideo tibi precipimus: q^d iuste et sine delatione
admensurari facias pasturam illam: Ita q^d pre-
dictus B. non habeat in ea plura animalia et pe-
cora q^d habere debet, et ad ipsū pertinet habēd.
secundum liberū tenementū suū q^d habet in ea:
de ulla. Et quod predictis B. habeat in pasta-
ra illa tot animal et pecora que habere debet et
ad ipsam pertinet habendo ne amplius clamat
ad p^r defectu recti: teste, &c.

¶ w^ryt de
admensura-
tione pas-
ture to
such.

Thys w^ryt lyethe, wher ther are ma-
ny fre tenants whiche hath comon
of pasture belongynge to they^r fre-
hold

holde, & one of the surcharge the comon
otherwyle than he ought, than he that is
grieved by thys surcharge shall haue the
wzpt. And knew ye: that thys wzpt lyeth
for one of the comoners oz for al, but they
shal not haue it agaynst the lorde. And yf
one of the byng a writte of Mesurement
al these comoners shalbe amesured, as well
these that byngeth not the wzpt, as they
byngeth the wzpt. And thys proces is in
thys writte, as is ordeyned in the statute
of Westm. ii. Cap. vii. which begynneth.
Custodi de ceter. &c. that is to saye, some
attachement, & dystris preemptory with
proclamacion made in two countyes. And
yf the party come at the yclamacion than
the ple shall passe betwixt them. And if he
come not at the proclamacion, than hys me-
surement shalbe made by hys default.

¶ Addicion.

B. 2. C. 2. Note ye : that in thys wzptte, it is ne-
pie for the defendand to say, that hanging
thys wzptte the demaundant put him out
of hys comon, and of that he hath the assyle
hangyng: for that, that he is seyled of the
tenementes, for the whych he surcharged
the pasture.

Entemps. C. 6. If I haue comon in a maner by cause
of visinage, & the lord surcharge hys comon
I shal haue a writ of Mesurement agaynst
hym: for that, that I am not his tenant.

And

¶ And knowe ye: after Dule, if there bee **D. 19.**
but two neyghbours in a towne, whiche **E. 3.**
entercomoneth in others lande, a wytte
of Mesurement lyeth not betwixt them
for the one may not say, that y other hath
surcharged his comon, for his comon is
the freholde of the other, and his freholde
may not be surcharged.

¶ This wytt lyeth not against him whi **An. xli**
che hath comon appendaunt nor against **E. 3.**
him that hath comon by especialte to bea **Lib. ac.**
stes without nombze. But against hym **Plito. 45**
whiche hath comon appurtenaunce, and
comon by especialte to a certayne nom
bze of beastes, &c.

¶ In a wytt of Mesurement of pasture, **H. 7.**
he declared that where the defendaunte, **H. 6.**
hath comon in a certayne place because of
his tenure, and there hath the defendaunt
put mo beastes than he oughte of ryghte,
and shewed the nombze, and the surplu
sage of the beastes, the defendaunt sayde
that there is another that hath comon in
the place whiche is in full lyfe not named
in the wytt. And by some men it was
sayde, that a man shall not haue an action
against one, against whome he hath no
cause of action. But by this action al shall
be admesured, and it is no preiudice to
them: for that, that they haue al that, that
ryghte wyll.

L. 1.

A wytt

Natura
¶ A wyzt de Secunda Supero-
neratione pasture.

A wyzt de
Secunda su-
poneratione
pasture is
suche.

R Et vñ saluf. Monstrauit nobis A. q. cum ipse bñe nñm nup tibi detulisset cdmuni pasture sua in A. ad mesurand quā B. iniuste suponerant, et in pasturā illā p pceptū notm p. ut mos est in regno nro admensuratiōis idē B. pasturā illā post admensuratiōnū pdictā iterū iniuste suponerant in ipsius A. dāpnū non modicū et grauamēt i cōtra formā statuti in homōe casti pmissū. qā eidē A. iuxta formā eiusdem statuti subuenire volumus: vt tenemur tibi scipimus q in propria psona tua ad pasturam illā accedas et per sacm pbatū i legalium hoim de balliua tua per quos rei veritas melius scire poteris de scda eiusdem pasturē suponeratiōe diligēter inquiras. Et super inquisitionē illā pasturā pdictā p prefatū B. post primā admensuratiōnē iterū iniuste suponerat inueneris tunc de aueris illis in pastura pdicta vltra debitū numerū post primā admensuratiōnē positio vel de pñs eorundē nobis ad lectm nñm respondeas et superoneratiōne amoneas teste &c.

This wyttte lyeth, where Desuremit hath bene made, and he that first surcharged the common, another tyme surcharged, than he that is so greued shall haue the sayde wyzt. And note ye: p this wyzt is somertyme Original, and somertyme Judicial. And in the case aforesayed it is Original, and it is Iustices not resouruable. But that the Wyzt shall goe in ppropze persone to the pasture, and he shall make inquire by lawfull men of his dāpnē lewythe

hzentum.

Fol. lxxvii.

letwyke of the superoneracion, and if it be found, the thirise shal answere to þ barōs of the Cheker for beastes, whiche were in the pasture ouer & aboue the due nombze. And whā it is Judicial, thē it shal go out of the comō banke to þ thirise cōmaūding him that he go to þ place where þ mesurement was made, and inquire in the presence of the parties, of þ secōd surcharge: and if it be founde, the inquisition shalbe send to þ Justices of the comon banke vnder his seale, & the seales of the Jurours & after the inquisition retourned, the Justices shal iudge þ parties their dammages. And know ye: that this wryt lieth not, but where a mesurement hath bene made betwixt þ forsaide tenantes: for if any purchase þ state of one which was party to þ Mesurement, he shal not haue this wryt of second surcharge, for he is not helped by the statute of West. ii. ca. viii. And know ye that a wryt of Mesurement may be removed out of the countie into the comon banke by a Done, aswell at the suite of the pleyntife as at the suite of the defendant. But it shalbe al tymes with cause. And than the wryt of þ second surcharge is Judiciall, as is aforesaid.

A wryt de Rationabilibus diuicis.

Ex viē salute. Recipe tibi quille et, fac, et A wryt de rationabilibus diuicis inter terrā A. in C. et terrā rationabilis

A. ii.

D. de R.

Natura

bus deus. **S.** de **R.** in **D.** sicut et debent et solent: unde **les** is such. **I.** queritur: q̄ predictus **S.** plus inde trahit ad feodum suum q̄ ad ipsum p̄tinet habend. **R.** amplius inde et pro defectu iusticiæ teste: r.

This wyrtce lyeth in case where there is two lordes in diuerse townes, and their seignozies ioyneþ together. If any parcell of lande of the one seignozies hath bene incrocheth by lyrell parcelles after the tyme of memozy vnto this p̄sent tyme, than the lord of whiche seignozie the parcell of lande was incroched, shall haue the sayde wyrt against the lord that hath incroched. And knowe ye: that this wyrt is a Iustices and may be remoued by the Done out of the countie into the comon banke. And this wyrt hath bene made betwixt diuers townes, and diuers persons and not other wise. And the p̄oces is, **S.** mons, graunde Cape, and petit Cape.

P̄oces.

EA wyrt de Perambulatione faciend.

A wyrt de perambulatione faciend. is such.

R. Ex vi^o salutis. Dicit tibi q̄ assumptis tibi xii. discretis et legis militibus de com̄ tuo p̄p̄ia persona tua accedas ad terrā **w.** **S.** in **E.** et terram **R.** de **A.** in **R.** p̄ceozū sacm fieri fac̄ p̄ambulationem inter terrā ipsius **w.** et terram p̄dicti **R.** in **E.** q̄ p̄dict **w.** et **R.** posuerūt coram nobis in p̄ambulatione illis. Et scitis fac. Iusticiariis n̄is apud west. tali die. vel Iusticiariis n̄is ad p̄imā assisā sub sigillo tuo et sigillis. iij. legat̄ militum ex illis: qui p̄ambulationem illam inter fuerint p̄ quas metas et diuisas p̄ambulatio illa facta fuerit. Et habes ibi nomina militum et hoc breue: teste r.

Chis

This wrytte lyeth in case aforesayde
where parcell of lande of the one lord
hath bene in suche maner incroched by
long tyme past, than by assent of both the
lordes this wryt shalbe purchased. And in
this wryt is no proces. But that the hy-
rife shall take with him the sayd parties &
chief men dwelling in the sayde seigno-
rie, and go to the sayd place where the in-
crochement was made, and there they
shal make Perambulacion, and order the
seignories as they were in olde tyme as
before the incrochemente. And know ye,
these two wryttes lieth not, but where
the incrochemente hath bene made from
yere to yere by lytle parcels without tyme
of mynde vnto this present tyme. But
where the incrochement hath bene made
but of late tyme, than lieth the assise. And
knowe ye: that the wryt of Perambula-
tione facienda, alwayes is made by agre-
ment of the parties betwene diuers tow-
nes in one countie. And the parties be-
twixt whome the Perambulacion shalbe
made, shall come to the chauncerie and
grant that Perambulatione shalbe made
betwixt their landes. And the agreement
shalbe inrolled, or therof a dedimus pore-
tatem may be made. Anno. viii. C. lli.

Addicion.

Note ye: that a tenant in dower maye
have

l. ij.

An. xli
D. 4
It eboz.

A wpyt de
Annuo red
ditu is
suche,

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haue this wpyt. But the Perambulacion
shalbe made betwpyt him in the reuercio
and the defend in this wpyt, & not betwixt
the tenaunt in dower and the defendaunt.

A wpyt de Annuo redditu.

Rex viſ ſalutē. Dicit. J. q. iuste ꝛ. reddit ꝛ. C.
li. quas ei aretro sunt de annuo redditur. ꝛ.
li. quas ei debet: vt dic. Et nisi fec. ꝛ. tunc sum
ꝛ. ostens quare non fecerit. Et habeas ibi sum
ma et hoc dixe: teste ꝛ.

Aliter incomitatu.

Rex viſ ſalutē. Dicit. tibi: y iusticie J. q. iuste
ꝛ. reddit B. de C. cērum solidos: que ei aretro
sunt de annuo redditur. ꝛ. lib. et vnus robe: qui
debet, vt dicitur, et sicut rationabiter ꝛ. Per am
plius ꝛ. pro defectu iusticie: teste ꝛ.

Thys wpytte lyethe in case, where a
man graunt to another by wpytyng
any somme of money oꝝ rent to take eu
ry yeare of his cofers, oꝝ of his chambur
oꝝ of his maner. And after such graunte
somme of money oꝝ rē is behynd. Thā he
to whom the rent is graūted shal haue
sayd wpyt, & by this wpyt recouer y some
of money oꝝ rent y is behynd & his dama
ges. But if the landes oꝝ tenementes be
charged w a distt foꝝ suche rent behynd,
thā he may distreine in the lādes oꝝ tene
mentes. And if the distres be fro him de
forced, thā he shal haue assise. And knowe
ye: that this wpyt of annuite is not to be
sued by exscutours, but in place of thys
wpyt

bzeuſum.

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wzpt is genen a wzpte of Dette, whiche ſhalbe made in the Detinet, & not in the debet, & in y ſame maner ſhalbe of whet Barly, and other ſuche lyke. And knowe ye that in this wzpt, and in a wzpt of Det vpon an obligacion, & in other caſes lyke where he ought to ſhewe eſpecialtie in declaration, declaring in ſuche wzptes it is conuenient, that the name of the pleyntife, or the name of the defendaunt agree with the ſpecialtie or other wyſe the wzpt ſhall abate, if the partie y challenge. But in a wzpt of waſte brought by him in the reuerſion, and in a Formedon in the remainder, a man ought not to ſhewe eſpecialtie afore that it be demaunded by the partie, though that y name of the pleyntife, or the demaundaunt in the wzpte be not accordyng to the eſpecialte. The wzpt ſhall not abate, as it appereth. D. xli. C. 3. in a wzpt of waſt. And the proces is Soz. Proces. mons, Attachement and diſtres infinite. And note ye: that of annual rent going out of lands or tenement, & not of a chambze, a man ought to haue the wzpt.

Addicion.

Note ye: that if annuite be graunted out D. 4. of a churche in one countie, and the graunt D. 6. is ſepled of the annuite in another countie, the graunt may choſe in which countie, he wpll bzpng his wzpt of annuite, D. 13. C. 3.

L. iiij.

In

Natura

29.22.
C.3.

In this wytte the declaracion was challenged: for that, that the pleintife sup-
posed seyson by the handes of the defend-
daunt and his predecessour, where he was
not seysed by the handes of the defendaunt
and not alowed.

29.16,
29.2

The declaracion was challenged for
that, that it was the yeare of the Incar-
nacion, and not the yeare of the reigne of
the kyng, and not alowed.

29.11
C.4.

If Annuite be graunted upon condicio
the pleyntife shall not shewe that, in hys
declaracion, but he shall make his de-
claracion simple, and the defendaunt shall
not have auantage of that by way of plee
in abatement of the declaracion, but he
shall pleade that by way of barre.

29.6
29.3,

If a man graunt annuite of a gozne,
pysle. rr. s. the wryt shalbe brought of the
gozne, pysle. rr. s. without speakyng of
the. rr. s. if the graunte wyll, or he maye
have a wryt of the. rr. s. without speking
of the gozne, & in this case the wryt shall
not abate though y it be not accordyng to
the wrytyng. But if the wryt agree with
the graunte, than the wrytte shall abate
for the non certeynte, for by the wryt the
demaunde ought to be certeyne.

If I graunte Annuite of. xl. s. to one of
the kynges chapleins, vnto he be promo-
ted by me to a competent benefice, in this
case

case yf I pfer to hym a benefice whiche
is worth .x. markes, the which he refuse,
that is a good extinguisshment of the An-
nuite, for the benefice shal haue relacien
of the value of the Annuite, and not to the
estate of the person to whom it is pfered
though y he be a mā of great estate qd nō.

¶ If Annuite be graunted vpon condy- D. 3.
cion, that is to say, vnto the graunt be p- D. 6.
moted to a benefice, or to gyue his coun- D. 16.
sil. &c. And the graunte bying a wrytte of E. 3.
Annuite of the arrerages, & the grauntour
say y such a day he pfered to hym a suffi-
cient benefice, or that he demaunded hys
counsell, & the graunte y refused, in thys
case, the grauntour shal not answer to
the arrerages befoze the tender: for that
that by the tender, the Annuite is deter-
mined, & of these arrerages befoze the ex-
tinguishment, the graunt is put to hys
wytte of dette. If the graunte haue acqui-
taunce of the arrerages befoze the extyn-
guishment, he shal not plede y in a wryt
of Annuite: for he shal haue auantage to
plede that in a wryt of Det.

¶ If Annuite be graunted out of certeyne D. 18.
lande, it is in electyon of the graunte to E. 3.
bying a wryt, or a wryt of annuite.

¶ In a wrytte of annuite yf the defen- D. 30. E. 3.
dant shewe acquytaunce of the arrera-
ges, yet the pleintye shal haue iugement
to re-

Natura

to recouer þe Annuite aswel as in a writte of meane, the defendanþt pleaderþe not dyfeyned in his defeaute, the pleyntyf shall recouer the acqutal freyght way.

D. 22.

E. 4.

EIn a writte of Annuyte agaynst one J. and declared that þe sayd J. by a dede that he sheweth graunted to him one Annuite of .xx. s. by yere goyng out of the manour of Dale, the defendanþt sayde that after the accion brought, he hath rescelued .x. markes of the arrerages of the said Annuite & so hath he abated his writte. And it was holden that was no ple to dyscharge the writtyng, ercepte that he shewe another writtyng, as it is vpon an oblygacyon, els it is no dyscharge.

Pa. 6.

D. 4.

EIf a person of a churche hathe lycence of the patron & ordynary to graunte Annuite, this graunt of Annuite wiche such lycence, shall charge hys succellour for ever wout any other graunt, or confirmacyon of the patron & ordynarye. And þis is as strong in the lawe, as they all had ioyned in graunte, or confirmed the graunte made by the person alone. *Tamen quere.*

Pa. 45.

E. 3.

EIf Annuite be graunted to another for hys counsell gyuen and to be gyuen the graunt is not bounde to go to the grauntour, but to gyue hys counsell where the graunte is.

EIf a man graunt to me an Annuite of .xx. s.

hzenium.

Fol. lxxxvi.

xx. s. by yere payable at the feast of saynt
Mycheal, & at the Annuncyacion of oure
Ladv, & the dede beareth date the fourthe
day of February, I shal take the first pay-
ment at the feast of the Annūciacion next
after the date of the dede, not withstanding
that the feast of sainte Mychel, be the first
day in the dede.

**A Wryt de Consuetudini-
bus et servitiis.**

R Ex viē salutē. Pre. N. q̄ iuste. et. fac. B. de
cons. et recta servitia sua : que ei fac debet de
libero tenimento sup. q̄ de eo tenet. l. N. vt i red
dibus art. et aliis: vel sic vt in secta cur et aliis
Et illi fec. et. et secur tunc summas. et. ostens
quare non fecerit. Et habeas. et. teste. et.

A wryt de
Consuetu-
dinibus et
servitiis is
suche,

Thys wryt is a wryt of Righte and
wylbe determined by bataille oz by
greate assyse. And lyeth where I.
myne au ncessours after the limitacio
of assyse was not seyled of the customes,
oz of the seruyces of our tenaunt. But a-
foze the lymitacion we were seyled of the
seruyces, & of the customes of oure fore-
sayd tenant, than for to recover the sayde
seruyces. I shal haue said the writte. And
the proces is, Somons, graunde Cape, &
petit Cape. And it is to know ȳ thys writ
may be pleaded in. iiii. matters, ȳ is to say
by one affirmatiue, &. ii. negatives, thys
affirmatiue is called a wryt of customes
and seruises. And thys wrytte supposeth
alwayes

Natura

alwayes, that the lord is auctour, and the
tenant defendant. And the lord by this
writ may demanda agaynste his tenant
that holdeth the ground of hym without
meane, to demanda rent or suyt to court
or sealte, & such maner of seruices, where
of the lord, or his auncesours were sep-
sed by the hand of the tenant, or his aun-
cestours, as of rent goynge out of the same
ground, or in his demeane, as of fee and
of ryghte, by reason of whiche rent & cor-
poral seruice is mouable. And for þe, some
people was wont to declare of the ryghte
in theyr declaracion of his owne seyson
as of fee & of ryghte. But of other serui-
ces þe are not remouable a man ought not
to declare, but as of fee, & of ryghte wont
demeane. And this writ is all hooly in the
ryght: wher homage is graūted, & knowe
ledged by the tenant in ple pleadynge, in
which case lyeth another batayll nor gret
Assyse, nor in this writ oughte the solet
neuer to be written. And knowe ye that
this writ ought to be pleaded by the same
delayer, as the Admittat, but in this
writ of right, is demanded tenementes
in demeane after customes & seruices de-
nied. And by the lord Gilbert de pesson
lyethe not the viewe, that is to say, of the
desoꝛceour hold not. ii. tenementes in the
same to wne wher of the demandat clay-
meth

moth bluers seruyces to hym aswell as in
the *Quia pmittat*, & thys wryt maye be ple-
ded in the countye befoze the thyzysle, oz
Iustices of the comō banke by that Done
but better it is for þ chye se lord to pleade
befoze the Iustices of the comon banke
than in the county, for the disclamour of
the tenaunt, to whom no payne is gyuen
vpon the disclamer in the county. But yf
the dysclamour be afoze Iustices of re-
cord, than an accion is gyuen to the lord
to demaund those tenements in demeane
out of whych the seruyces doth go. And
if the lord be wyle he may purchase suche
manner of seruyces, & yf they be behynde:
for defaute oz dystres he shall haue reme-
dy after the fourme as is conteyned in þ
statut of Westm. ii. Ca. xxi. which begin-
neth *Cū statuto. &c.* And with þ agree to
the stat of Glouc. Ca. iii. whych beginneth
Ensemēt si home lesse. &c. And the one of
these wrytes of Customes, & seruyces ne-
gatiues is opē. And beginneth thus. *Pro-*
hibemus tibi ne iniuste veres. &c. And þ
other is close. And begynneth thus. *Nic.*
salutē Prohibemus tibi qd nō permittas
A. qd distringat B. ad faciendū ei conus. &
scutū q de iure facere nō debet nec solet.
&c. And the wryt þ is open is betwixt the
tenant auctoz, & the lord defend, but after
that the tenant hath declared for suys, &
dama-

Natura

damages, the lord defendinge the woordes
of the courte, and in the repleynge says
that he dyscrepned not the tenaunt for the
Customes & the seruices, wherof the de-
claracion is to the wrong, and not to the
right, & after shewe all the declaracion of
the wyrt of Customes & seruices, & profer
hys suyt to be good, & after the tenaunt,
whyche was auctour afoze becometh de-
maundant, and shall defend by batayl, or
by graunde assyse, as they ought to doo.
And it behoueth of fyne force, y the tenat
knowledge to holde the tenementes why-
che are in demaundant of the same lord,
by some seruyces, or otherwysse a wyrt of
excepte lyeth. And if he wyll, thys wyrt
at the fyrst shalbe brought in the court of
the same lord, that dyscrepned yf he hath
court and there shall the tenant plede as
long as y court may do ryght. And whan
the court may make no ryght, the shiriff
at the suggestion of the pleyntyfe by ver-
tue of suche a clause that is conteyned in y
wyrt, y is to say. Et nisi feceris. &c. may
make a Tolte out of the lords court into
the countye, & frome thence remoue y ple
afoze the Justices of the comon banke by
a Wone yf he wyll after the order of the
wyrt of ryghte open. The wyrt negative
close is of Customes & seruices not due, &
lyeth in case whan the lord dyscrepneth a
man

man for customes & seruyces not dewe, &
nothyng claymeth to holde of hym, and
namely whan the tenant that is dystrey-
ned, knowleged no seruyces to be due to
the lord by his hande, & that is a writte of
Ryght, and he that is auctoz shall become
defendant, and the contrary, & such wyrt
wylbe determined by batayle oz graunde
assyse, as in the Quo iure. And there is
dyfference betwixt this & the Pe iustice
veres: for that, y the Pe iustice veres wyl
al tymes be open. And the wyrt of Quod
permittat close. And the pleyntyfe, that
wyngeth the Pe iustice veres claymeth
to hold of y lord that distreneth, & knowe
legeth in maner part of his seruice of hym
demaundethe & part denieth. And he that
wyngeth this wyrt close declareth not to
holde of the lord the tenementes, and no
seruyces of hym demaundethe to be dewe
by hym to the lord. And yf the tenaunte
be wyse at the begynnynge, he shal cause
hys beastes to be deliuered by repleuyn,
for yf the tenant may auer that the lord,
nor none of hys auncestours were neuer
seyled by the hande the tenaunt, oz of hys
auncestours, oz of any other tenant of the
same tenementes of the seruyces demau-
nded after the lymitacion of the assyse, the
repleuin shal serue hym but paraventure
the lord was seyled by longe continuaunce
of

Natura

of the seruices demaunded, though that it was by wzonge by the hande of the tennant oz of his auncestours, than the repleyn may not helpe, but thā he sught to bynge the *De iniuste veres*: oz yf he be dyscrepned by the chiefe lord for luyt than in suche case he shall byng a writte fourmed vpon the statute of *Marl. Cap. viii. whiche begynneth. De sect sequi dem faciend. &c.* Note ye that a man maye haue acquytraunce of the seruyces in. *iii.* maners, that is to save by dede y counter bayleth acquytraunce, oz for that, that the Meane is seyled of other suche enel seruices by the hande of the tenant, as the lord peramonte demaunde of tennant oz for that, that he and hys auncestours of time wherof. &c.

Addicion.

Note ye that this wyttie is of dyuers natures, some are wytties of Ryghte determinable by batayle, oz by graund assyle, & that may none vse but he y of clere ryght may speake, & some are myxed in possession, & that in dyuers maners, for some is broughte of the seylson of the demaundant by the hande of the deforsant, and suche wyttie shalbe in the Debt & solet, and some the seylson of the auncestour onely and suche wytt shalbe in the Debt onely wythout the solet, and shall declare for

D. 2.
E. 2.

bzentum.

Fol. lrrrrr.

for damages for the possession he whiche
this wyrt that wyll be tried in the posses-
sion may a man hie though y he may not
rye the ryght, as tenaunt in dower oz by
the courtesy, and if the defozsour wyl dis-
clayme, than the tenaunt in dower oz by
courtesy shall haue ayde of his in the re-
uersion, for that, y he may not be hartys
so suche his answer, that to pleade in the
right wout hym in the reuersion to whō
the accion is geuen by the disclamour.

**CA wyrt de Contra fornam
feoffement.**

Rex ballis B. de B. salutē, Cum de rei consilio
regni nri Anglie pūitū sit ne qd occōne tenemē
foram suozū distring. ad lectam faciendū ad cū
dhorum suozū nū p fornam feoffamentū ad lectā il-
lem, an tpe vel eozū antecessores tē illa tēfēis
tē fac. consueuer ante pū trāit dñi B. B. pūit
in Britān vobis pūitū q non distring. B. ad fa-
ciend lectā ad cū pūitū de B. cont fornam
pūitū pūitū et si districtiones quā ea occōne
tēfēis sine dilattione relaxatis C. 3c.

A wyrt de
Cōtra for-
nam feoffe-
menti is
suche.

This wyrtte lieth where a man infeof-
feth an other of certayne landes oz
tenementes by Chartour of feoffement,
to make certayne seruices and supres to
his court, and the lord his heire, oz his al-
lignes distreyne his tenaunt to make mo-
seruices than is contēined in y sayd Char-
tū, than this said tenaunt may haue the
wyrt directed to the lord, commaun-
gūg hym that he distreyne not the sayde

¶.j.

tenaunt

Natura

tenaunt to do other seruices thā his Chat-
tour will, as it is geuen by the statute of
Mart. Cap. ix. Which beginneth De fact
liquide faciendū. &c. for none shal be bound
to make suit to the court of his lord other-
wysse than is conteined in his Chartour.
And the proces is, Attachement, and
wres vnto the partie come. And know ye
that this wytt oughte to be brought there
where the pleyntife claimeth by dissein,
not by purchase. And also if any be distres-
ned agaynst the forme of anye statute, he
may haue a prohibicion, and vpon the pro-
hibicion attachement, but he shal not haue
attachement alsoe the prohibicion sued.
And note ye: that if any heritage of which
one sole suite is due descend to many par-
ceners, than by the foresayd statute he that
hath the auncient parte shall make the
suit for all, and these other shall make con-
tribucion, and if they wyl not he shall
haue agaynst them a wytt de Contrac-
tione faciendā whiche wytt and many
other that toucheth this matter, shal be
founde in the Register amonges wytt
of the statutes. And y^e proces is, as in a writ
of Dedimus potestatem de fine leuanda.

Addicion.

Cnote ye: that in this wytt, the defen-
dant demaunded hearyng of the verdy
of the iury, & y^e demaunde was not allowed.

Note perthat if there be the lord and tennaunte, and the lord is seyled of two courttes. s. of one court in Dale, & of another in Dace, & the tennaunt holdeth of the lord of the maner of Dale, & supte to the same, & it is agreed betwixte the lord and the tennaunt, that the tennaunt shall make supte to the court of the maner of Dale, for the supte due to the court of the maner of Dale, the lord in this case may distreyn his tennaunt to make the supte to the court of Dale, as he ought, for the supte abydeh all tymes due to the court of Dale. And y same lawe is if the lord by agrement take ii. s. of rent by yeare in allowaunce of suit, and so is seyled by the space of. xl. yeres, & at the last the. ii. s. are behynde, & the lord demaundeth his suit, in these cases the tennaunt may not mainteyne a wytt of Co. tra. for man. leoffaunt against the lord.

CA wytt of Deane:

Res. vii. Saluti. W. et d. q. iuste re. acquieted d. d. wytt of de. sc. vii. q. l. ab eo exigit de libero testio suo Deane is de statu d. tenet in p. unde d. que medius luche. et inter eos ipm acquietat debet ut dic. Et vnde querit quod pro defectu ei? distinguitur. Et nati tenet, re. teste re.

This wyttte lyethe, where there are lord, Deane, and tennaunte, and the lord distreyneth the tennaunte for the services y the meane ought to do to the lord, ppyng out of the lande, than shall the tennaunt

Natura

naunt haue this writ against his Meane.
 And if the tenant haue any wytyng me-
 hyng mencion of any acquital, or tynal
 concorde of his nexte meane of whome he
 claymeth to holde the grounde, or of his
 auncestours, or any seyson of any acqui-
 tall by the hande of the same meane, or of
 his auncestours: if the meane do demaund
 what he hath to bynde hym to the acqui-
 tall, than must he shewe it. And after that
 the meane hath entred into the acquital
 for to acquyte the tenaunt of the seruice
 required by the chiefe lord, the same meane
 may haue another writ against his meane
 betwixt him & his lord, and so of euery
 of them. And this writ of meane and wyte
 of Customes and seruices aforesayd shall
 be pleaded, by the same delayes as a writ
 of Trespas. And the Proces in this writ
 is Somons, Attachement, and distres.
 And daye shalbe geuen before that the
 distres shalbe retourned, so that two hye
 courtes may be holden and proclamacion
 shalbe made in those two hye courtes.
 the meane shall come at the daye con-
 uenied in the writ for to acquyte the tenaunt
 and if he come not at the sayde daye: then
 shall he lose the seruices of his tenaunt
 shalbe so iudged of his seignorie, and the
 tenaunt whiche byngeth this writ shall
 be immediat tenaunt to the chiefe lord.

Proces.

**M. 3.
 E. 2.**

and shall do the same seruices, & suites, as
 the meane did to the sayd chiefe lord. And
 that is geuen by the statute of Westm. ii. pp. 3.
p. 2.
 Cap. ix. whiche beginneth. Cū capitales
 &c. Neuertheles, the tenāt shal not be
 prohibited to sue the proces geuen by the
 conslawe, that is to say, Demons, Atta-
 chement, and Distres tyll the partie dooe
 come if it be for his profite, for if the tenāt
 holdeth of his Meane, by lesse seruices
 than the meane holdeth of the chiefe lord,
 and the tenant sueth the Proces geuen
 by the statute, and the Meane is foriud-
 ged of his seignorie: than must the tenant
 doe the same seruices to the chiefe lord
 as the meane dyd, which were greuous
 to the tenant, and therefore maye the te-
 nant chole, whiche of the two proces he
 will sue in this case. And by the same sta-
 tute this Proces aforesayde, nor this for-
 iudgynge is not geuen, where there be
 many and sondry meanes betwixt the su-
 perior lord and thinferiour tenant, but
 in case where there is onely one meane.
 And also this foriudgynge is not geuen
 by right, but onely for the tenant of fee
 simple agaynst the Meane of fee sym-
 ple. Neuertheles at the comō lawe, there
 is wytt of Meane for the tenant in
 fee and tenant for terme of lyfe, & that
 is ppyoued by the sayde statute, where it is
pp. 14. sayde.

Natura

sayde. *Protenente in dote per legem Anglie et ad terminum vite vel per sedum caliatum nondum est remedium prouid ec.* but that is to be vnderstanded, the remedy, as concerning the foriudger, is not ordeined for such tenauntes, but the tenant may haue a writ of *Deane*, as it doeth appere by the same statute. And note ye that a writ of *Deane* may be pleaded in the thyr court before Iustices of the common place, or Iustices in *Cyre*, nor that distresses shall not cease vpon the tenaunte though the writ were purchased vpon the *Deane* because the chiefe lord hath alwayes his recourse to his fee, for to the freine for his customes & seruises with arrerages of the same. And note ye: that a man may haue acquitance of seruises in diuers maners. s. by dede, or because the *Deane* is seyled of such seruises by the bande of the tenaunt as the chiefe lord maundeth to him, or because the meaner his auncellours hath acquited the tenaunt and his auncellours at all tymes or because he doeth holde him in *Frankalmogage*, or dower or in *Frankalmogage*. And note ye: that in case the *Deane* be ordeined to acquite the tenaunte of the seruise due to the chiefe lord, and the chiefe lord both distreyn the tenaunt, for the same seruises, than shall the tenaunte haue

hrensium.

Fol. rect.

hert directed to the thirise of þ same thire
reberling, how that the Meane is redy. &c
cōmaūding him that he shal not suffre the
tenant, noz the meane to be distreined by
the sayd lord, noz otherwyle to be vered
by reason thereof. And note ye: that if the
Meane do commit a felony, for the which
he is attayned, in this case the interioure
tenaunt shalbe come immediate tenaunt
to the chiefe lord of suche seruices as he
did to the meane. And note ye: that this
wyt may be remoued out of that wyse
court into the comon place by a Done.

Addicion.

Note ye: that equalnes, or oueltie of ser
uices is, where the tenaunt holdeth an
acre of lande of the Meane by. vi. s. & the
Meane holdeth the same acre ouer by. i. s.
that is good oueltie, for that, y the tenant
holdeth by that, & that the Meane holdeth &
more, but if the Meane holde by more ser
uices than the tenant holdeth of him that
shall not be sayde oueltie of seruices.

T. 4.

D. 6.

And it is not conuenient for y pleintif
to shewe the certeyntie of the tenure be
twixt the Meane and the lord above, for
that shal folowe, y the tenure betwixt y
Meane, & the lord above shalbe tryed be
twixt the Meane and the tenant, & that
shalbe no reason if the pleyntife declare
that he holdeth of the Meane in Franke

An. 39.

D. 6.

D. iiii.

almopgne

almoygne & that he and hys auncestours
hath acquyted hym & hys predeceffours,
tyme out of memozy. &c. thys declaracion
is not double for the franke almayne is
no cause of the acquytall, excepte that he
shewe the gyft. s. how the defendanc and
hys auncestours, which gaue in Franke
almoygne, whych is good cause of acquy-
tal wythout moze, oꝛ to prescrybe, that he
and hys auncestours hath used to acquyte
the pleyntyfe, by reason of Frankalmoy-
gne, & he haue not prescrybed in Franke
almoygne & hathe not shewed the begyn-
nyng of the gyfte, but hathe shewed the
prescrypcyon generall, the whych is good
cause, and the other is but voyde, p^r the
pleyntyfe prescrybe, that the defendanc
ought hym to acquyte agaynst the loꝛde
paramount, & all other, & it is found for the
pleyntyfe, that defendanc ought hym to
acquyte agaynst the loꝛde, thys prescryp-
cyon of acquytal agaynst all the other, is
voyde.

Pa. 44.
C. 3.

¶ If the pleyntif declare that he is
frepned by one D. for seruyces of the
Meane & that the Meane holdeth of D.
where there is twoo lordes, betwixt the
Meane and D. the defendanc may please
abatement of the declaracion, that he
doth not of D.

Pa. 31. C. 1.

¶ The loꝛde Meane, and tenant are,

benfunt.

Fol. ccliii.

The Meane byndeth hym selfe by tyme, to
acquyte the tenant agaynst the lord, &
hys heires, the lord taketh a tyme, and
hathe p'sent & dyerthe, the tyme is indowed
of the seigniorie, & dystryned the tenant
peranale for the seruyces of the Meane,
in this case the Meane shall acquyte the
tenant agaynst the tyme: tenant in bo-
wre, though that he be not heire to the
lord, for that, that p' reuocacion of the ser-
uyces is to the heire.

The lord Meane, and tenant are the E. 17.
lord dystryned the tenant peranale for E. 3.
release, after the death of hys father, in
this case the Meane is not bounde to ac-
quyte hym, agaynst the lord, for that, p'
he answer that shuld discharge him lieth
not naturally in hys mouth.

The lord, and tenant are, and the ten- E. 17.
nant maketh a lease, for terme of tyme E. 3.
payng certeyne rent, and the lord dy-
stryned the lesse, for the seruyces of the
tenant, and the lesse byngeth a wytte of
Meane, the defendant shall say, that the
pleyntife hath nought but for terme of
tyme, and he shall not shewe of whose lease
Judgement. &c. It is convenient for the
pleyntife to mainteyne y he hath se, o-
ther wyse the wytte shal abate for that, y
he wyll lye the not, for tenant for terme
of tyme, but a wytte of Covenant, & so say
that

Nature

that he holdeth of the lease of the defende
the reuerſiō to him & wyl make no pſſue.

p.38.

c.3.

EThe lord, Meane beyng a woman &
the tenant, the Meane byndeth her ſelf to
acquyte the tenā: and after taketh a hus-
band and hath a pſſue, & the tenant relea-
ſeth to the husband that he no: hys beiren
ſhall not be bounde to acquytall, the hus-
band & the wyfe dyeth, the tenant parauale
byngeth a wyſte of Meane agaynſt the
pſſue as heyre to hys mother & he pledeth
this releaſe in barre, & it was holden & he
ſhall not be barred, for that, that the defend-
ant is bounde as heyre to hys mother.

p.40.

c.3.

EThe lord Meane, and tenant are, the
Meane doth graunt, by ſpyn the ſeruitice
of hys tenā to a ſtrainger in fee, to whom
the tenant parauale doth not attourne, &
grauntour doth take a wyfe, & taketh eſtat
to him & to his wyfe & to the heyres of the
bodgy of the wyfe, and for default of ſuch
pſſue, the remainder, to the ryght heyre
of the husbande, & they haue pſſue a ſonne
& the husband dieth, in this caſe the ſonne
ſhal be charged of the acquytall, in & wyſe
of Meane, yf he may not auerre, & the te-
naunt attourned to the graunte and the
wyfe ſhal not be charged.

p.21.

c.3.

EThe lord, meane, and tenant are, the
tenaunt is a woman, & taketh a husband
whych are dyſtreyned for the ſeruyces of
the

the meane, in this case the husband, and the
wyfe that haue a wyte of Meane against
the meane and they shal declare the wyfe
is distressed, as wel as the husbände sup
posynge that the wyfe hath the property of
the goodes duringe the espousales, and
yet the declaracion is good.

¶ Note yet that a foreiudgement against
the husbände and the wyfe, is not boyss,
but erreure, for he shal not haue a Cut
in byn.

¶ In a wytte of Meane supposynge that
he is distressed, by one A, wherof the de
fendant is meane, the defendant sayd that
another tyme he pleyntif brought a wyte
of Meane agaynst hym, supposynge he
is distressed by one B, in the same lande
and that we are meane betwixt them, so
supposeth he that B. hath the seignory,
judgement of the wyte that supposeth A,
so haue the seignory, and not allowed, for
if there be. ii. or. 3. lordes euery one aboue
other, yf any of the distressed the tenante
personale, his suit is against his meane,
and he shal haue a wytte ouer, and so his
ple is no ple to the wyte.

¶ The lord of a hundred, meane, and te
nant are, the tenante doth holde of the
meane by homage, & Rescue, the lord
demaundet the suit to hys hundred, of the
tenant

99.9.

E.2

Pa. 29.

E.3.

99.4.

E.3.

tenaunt perawale; in thys case the tenant
shal not have a wyrt of meane, for as con
cernyng the wyrt to the hundred of p lorde
shal aduowe byok hym, & is tonaunt of p
land so; other wyse he may not do, nor w
standyng there is meane betwixt them
for suit that is due, by reason of the res
aunce, the meane shal not acquyte hym.

C.4.
D.6.
E.13.
C.3.

¶ If the lorde paramounte of whome the
meane holdeth dieth hanging this wyrt
the wyrt shal not abate for that, that the
wyrtte was wel purchased at one tyme,
it is no reason that it shal abate; by the
deathe of the lorde that is a stranger, yf
it shalbe p lre to say that the lord is dead, it
shalbe to the arle, for the tenat shal have
no remedye by a wyrtte of meane, of that
by tres taken in the lyfe of the lord, but of
a forludger other wyse is, for there a wyrt
shal abate by the deathe of the lorde par
mont, for that, that the tenant may not be
attendant to a deade person.

D.34.
E.3.

¶ If the tenaunt do tel the meanalte by
syne hanbynde a wyrt of meane, and the
tenant sueth forth his wyrtte and forlud
ged his meane, not wpythstandyng the
alienacion oz sale, the tenaunt shalbe at
tendaunt to the chiefe lorde, & the graunt
of meanalte, shal not charge the tenant
to attourne.

An. 15. h. 6. ¶ If the tenaunt be distreynd for suche
services

brensum.

fo. rcb.

seruyces that the tenaunt holderbe of the
meane, he shall haue a wrytte of meane
mayntenaunt wythout any notice made
to the meane, but yf he be dystreyned for
other seruyces than the tenaunt holdeth
of the meane, thā he ought to make know-
ledege to þ meane, and after suche know-
ledege, he shall haue a wryt of Meane,
and not afoze.

¶ Note yf that in a wrytte of Meane the
quantyte of the seruyces shall not make
ysue, as yf the pleyntiffe declare that he
holdeth .xx. acres of land of the defendant
by certeyne seruyces, & sheweth whych &
howe he holdeth ouer by many other ser-
uyces, & how the pleyntiffe is dystreyned
the defendant shall saye, that the pleyntiff
holdeth .x. acres of the .xx. acres by cer-
teyne seruyces, & shewe whyche & by ma-
ny other mo seruyces, that the pleyntiffe
hath not supposed & that he holdeth these
other .x. acres by other seruyces, than the
pleyntiffe hath declared, & demaunded iud-
gement of þ declaracion, nowe the pleynt-
iffe shal say by ptestacion not knowyng:
.xx. acres are holden by many other serui-
ces, as hath bene alledged but þ they are
holden by one hole seruyce in the maner.
¶ Quod nota.

¶ Tenaunt for terme of lyfe, the tenant
shall not haue a wryt of meane agaynst þ
meane

Pa. 2.

h. 5.

E. 16.

E. 3.

Pa. 11.

E. 3.

Parauale

meane, for he is not tenant to him but to
him in the reuercion, but if he be distres-
ned for homage he shall haue a wytte of
meane, for he may not do homage.

C. 17

C. 1.

anno. 35

D. 6

D. 14

C. 2.

C But tenant for terme of life, for tenant
where the remainder is over the fe he shall
haue a wytte of meane against the meane.
The same lawe is of tenant in dower.

C If tenant by the courtesy be of a men-
telty, the tenant parauale that not haue
a wytte of meane against him in the reuer-
cion leuynng the tenant by the courtesy.

20. 22

C. 4.

C The defendant in a wytte of meane
sayth that whoffe the pleyntiffe hath decla-
red that he holdeth of me, & I ouer **C. B.**
I say, that I. holdeth of **C. B.** as in ryght
of his wyfe, & it is thoughte yf it is a good
ple: for otherwyle if the tenant ought to
reouer, by this wytte the meane shall be
charged to two acquytalles, the one by
estoppel, and the other because of the men-
naltie against **C. B.** and his wyfe as in
ryght of his wyfe.

an. 6

D. 4

C If the lord distreine the beastes of his
tenant where there is a meane, the meane
maye put his beastes into the pounde in
gage, for the beastes of the tennaunte, and
that haue a repleuyn, & pleade to the lord
and so euery estate saued, & if the meane
refuse to helpe his tennaunt by this maner
the tennaunt shall haue a wytte of meane,
byen

bzenium.

Fol. xcvi.

upon the speccal matter.

In a wytte of meane it is no good be-
claracion, to say y the defendaunt, & hys
auncefours hath acquyted the pleyntypse
and his auncefours, & thole whose estate
he hathe, but he shal saye that he holdethe
of hym by homage, fealte, & certeyne rent
of whiche seruyces he is seyled, & saythe,
that he & hys auncefours hath acquyted
the pleyntypf and hys auncefours, tyme
out of mynde. &c.

A wytt de Querela frisca folce.

Cria dñi regis apud w. in guphalda clau-
de ville scdm̄ cōsuetudinē ville illius, ac li-
bertatē burgens. ville illius q̄ dñuerlos re-
ges Angl. cōt̄ et dñm̄ regē nūc cōfirmat̄ coram
Johē B. et J. C. ball̄ ville predictē die lune prox
post festū s̄cti Bar. apostoli. Anno reg. E. 4. 9.
ad hāc cū venit E. abbas sancti Petri de hyde
tūce w. in p̄p̄ia persona sua, & queretua veritas
Thomā L. capellanū Cātuaſ beate Marie vir-
ginis in ecclesia s̄cti Petri in L. de placito assis-
ti fecit forore dicendo: q̄ idē Thomas L. in ius
sēs sine iudicio: ac vī recentē dīssēt. cum de lib̄a
mēto suo in w. post p̄mā transsēt dñi h. filii res
p̄s Johānis in valcon. & infra querētenā, &c. in-
venit p̄f̄ de p̄os querelā suā J. B. et J. S.
Ideo scdm̄ cōs̄ ville p̄dictē p̄ceptū est B. C.
w. L. c. lxxviii. dñi regis ad clauas in eadē
villa et ministris cū p̄dict q̄ reſn̄s fac̄ tenent
p̄dictū de catall̄ que in ip̄o cap̄t fuer̄ et ip̄s̄ te-
nēter cū catallis esse in pace vsq̄ ad pr. cū
cōp̄a maiorē et balhuis ciuitatis p̄dictē in Gual-
halda p̄dicta tali die p̄ox, futurū tenendum,

C. 11.
C. 3.

A wytt de
quest̄ fecer̄
ea forē is
suche.

Ot in-

Ratura

Et interim fac. xii. liberos et legales homines de
 villa predicta infra premissa liberatis ville predi-
 cte videre testi illud et nomina eorum in huiusmodi.
 Et quod summa eos per bonos sumi quod esse sint
 parati inde fac. recogn. et quod pesh p vad et sal
 nos pleg. predict. C. vii. balliuum suum si ipse in-
 uentis non fuerit quod tunc sic hic audiat illam
 recogn. Et qd tunc habeat hic sumi noia pleg. et
 Et sup hoc eide abbas polo suo J. h. versus. C.
 S. de predicto plico ad que dic. p. lat. seruent hic
 panella de nominibus recogn. qd hinc rotulo et
 confuet. Et testant quod eode recogn. sumi sunt
 per Adam Pye et. R. S. quozu vterq. manita-
 pitur per Johē Done. R. S. C. J. et. C. S.

Thys wyrt liche in case wher a man
 is dyspleysed of tenementis that are
 denysable, as in þe Cytie of London
 or other Boroughe or towne þis Fran-
 chysed, than the dyspleysye shall come in
 the court of such a towne, þis is in Fran-
 chysed. &c. And entre þys pleynte, wher
 in he shal shewe howe he is dyspleysed, and
 vpon that shall. xii. men say theþz verdit
 in lyke maner as in Assise of Powell dys-
 seylon. And knowe that the cause why
 it is called freshefoze, is soz that, that þe
 the dyspleysye cause not þys pleynte to be
 entred, noz recovered within. lx. dayes he
 shalbe put to þys recouere at the comon
 lawe. s. to Assise of Powell dysseylon (Et
 ideo quere) And yf the mayre and the iu-
 nysters of the court wyll not awarde exe-
 cutyon of the iudgement of thys freshe-

Thys wyte lyeth where a man is sey-
 sed of certayne landes or tenemen-
 tes in fee, within a Citty, towne, or Bo-
 rough, whiche landes or customes are
 devisable and he by his testamente devis-
 se to a man the sayde tenementes, and di-
 eth, if his heyre or any other man entre
 in the sayde landes or tenementes so de-
 vised, than the deuyse or his heyre shall
 have the sayd wyte agaynst the heyre of
 the deuyseur, or agaynst any other man
 that abated, not regardyng in what ma-
 ner degree that he is in, after the deuyse
 made, if the deuyseur dyeth, the deuyse
 not annulled in the lyfe of the deuyseur.
 And knowe ye: that this wyte will never
 be pleded afoze the kynges Justices, but
 all tymes afoze the Mayre, & the bayliffes
 of the Cytie or Borough, or afoze the
 Bayliffes where there is no Mayre, or
 afoze the bayliffes of any towne, or afoze
 bayliffes of fee, or seignory where there
 is suche blage. And knowe ye: that no
 holde maye be deuyse, but where suche
 blage is for every deuyse of frehold
 agaynst the comon lawe but the lawe
 fers suche deuyse to be made because
 of suche blage of so long tyme bled. And
 wherof is suche, that the tenaunt shall
 be somoned to be afoze the Mayre and the
 bayliffes at a certayne day to shew wherof

procs.

brentom.

Fol. xcviij.

For the other ought to have executione
if he can nothyng say against him, than
the demandant shall have executione.

Addicion:

Note ye what deuyles are good and 22
what not, and who shall deuyle and of 3.
what thyng, and who shall have aduan-
tage of the deuyles.

If lande be deuyled to a man by tes-
tament without shewing what estate
he shall have, he hath nothyng but for
terme of lyfe.

Note ye: that the husbände maye de- 22.3
uyle lande in fee or for terme of lyfe to 2.
his wyfe.

A woman may not deuyle lande by 3.3.
her testament to her husband, for becau- 3.
se she may not make testamet but by the Ac. Rot.
assent of her husband, & that is the deede
of the husband to make estate to himself
whiche is against the lawe.

Lande deuylable is geuen to the hus- 27
bande, & his wyfe, & the heire of their li- E. 3.
ues begote, & for defaulte of such yssue L. ass. 22
remainne to the right heyres of the hus- 10. 21.
band, the husbände deuyled the same re-
maynder to his wyfe that is remanant in
wyfe, and dieth without yssue betwixte
them, this deuile of remaynder is good.

A woman seyled of certayne land de- 29
uylable take a husband & hath yssue, and 3.

R. y.

chs

Nota
the wyfe deuyle the lande to her husb
e dyeth, nothe he shalbe iudged in, as te
nant by the Courtsey, & not as tenant
by force of the deuise, for the freholde be
gynneth in him afore the deuise.

20.19.
20.6.

A man deuised landes for terme of life
and deuyled forther that his executors
should sell the reuercion, and dyeth, the
executors sold the reuercion withour
dede, for because that is but a contract
and the reuercion passeth by the auen
tyre of the deuise & the testament to the
cause that the reuercion passeth, for if a
man make a priest his executour, & deu
sed y his executour shal sel the reuercion,
that is good wout dede, for other wyse it
shall neuer take effecte, for a priest may
make no dede that shal bynde hym and
syne he may not leaue for that, y he ha
nothyng in that.

20.5
20.3.
20.19
20.3.

A wyfe of the assent and wyll of her
husbād maketh a testament & deuyled
the same, halfe the goodes of the husbād
and maketh her executors who pūch
the testament by the assent and wyll of
husbāde that is good deuyle.

20.16
20.6

If a man deuyle lande whereof he is
not seysed, yf after he purchase the land,
the deuyle is good.

Nota
20.6

Note ye: if lande be deuyled to a man
and to his heires males of his body, and
he ha

hath pisse a dougheer which hath pisse
as a soune, the soune shal enherite, and
yet of a gyft other wyse is.

Note ye: that the hynges maye not be
moleste by testamēt, nor gife nothing

but that, yf he hath in possellio, by gyft.
Note ye: that executors may paye
dues afore any deuple performed.

It is sayde, that there is diuersyte be-
tweene a graunter & deuise, for yf one de-
uise lande to me for ever, or to my assig-
ne for ever, &c. & speaketh nothyng of
his heires, &c. that are wordes of enheri-
tance, yet the deuple is good to take ef-
fayn in the deuple as a free simple, for yf
his wyll and entent shalbe taken in
this case, &c.

If a man deuise goodes and dieth, the
deuple may not take goodes without le-
uue of the executors.

If a man deuise a booke, or any other
thyng to one for terme of lyfe, and after
his decease the reuercion to another for
tyme, if the executors deliuer the good-
es to the first deuise, & after yf deliuer
the deuple dieth, than the seconde deuise
may seise the goodes without liuere of
the executors, for possession of the fyrst
deuise is of both; whiche was denied
by some men, therfore enuyse the lawe
that two voynt tenantes are, and the one

99.37

9.6

9.6

9.6

9.6

99.8

9.6

99.37

9.6

9.37

9.6

Indaunt whā he wyl speake. And also if
the warde belonge to the lozde by reason
of a warde that he hath in possession, & a
stranger obteyne the same warde & lozde
shal haue the sayde wyrt, but the comon
proces is, as afoze was bled in the comis
latw, & the lozde shal holde the warde by
reason of the warde vnto his full age, &
this is þe cause, for that, that it is a cha
tell in hym, and he is thereof seyled, & he
maye not be put oute of possession afoze
the full age of the heyze. And knowe we:
that if the gardeste make wast in any pte
of the warde, he shal lose the warde and
oner that he shal pelds damages to þe
lozde, & if the warde be lost sufficed not to þe
value of the damages afoze the age of the
heire, he shal make gre of the remnant.
And that wil the Statute of Glouc. cap. v.
In the myddes, which begynneth. En
sement est purueu. ec.

A wyrt de Entrusion de garde.

Rex viē salutē. A. fecit se, et suū filium, et B.
filiū suū D. & filium suū, et ostendit quod cū
matris terre et hereditatis D. ad ipsam A. bñq
ad legitimam etatem predicti hereditatis ra
tione dimissionis quam A. de B. de quo predic
tus D. terram suam tenuit per seruitium mil
litare, inde fecit predicto B. et idem B. infra
etatem existens se in terram predictam intru
it et custodiam illam a prefato A. adhuc detin
et ad graue dampnum ipsius A. ut dicitur.

R. iiii.

Et ha:

A wyrt de
Entrusion
de garde is
suche.

Or habens ibi summa et hoc habet. et testatur.
This wytte lyeth where the infant
within age entered in his landes and
holdeth for de oue, the lord shal not have
the foresayd wytte de Cōi custodia, but
this wytte of Intrusion of warde.

C. II.
P. 4.

Abduction.

Note ye: that an Abbot shal have this
wytt of Intrusion, of an Intrusion made
in the time of his predecessor, & he shal
make mention in his that grece was not
made to his predecessor nor to hym.

Wytt for the valure of

A wytt for
the valure
of the ma-
riage is
suche.

Rex salutem in xpo semper habens
sum B. filium & heredem E. et odens eum
re cum maritagio predicti B. ad predictum
pertinet eo, & predictum E. terram suam
eo teneat per servicium militare et eibz
dicti B. dum infra eade tunc competeret marita-
gium obdureret idem B. charitatem tenens
sato B. de maritagio suum nec satisfactionem
satisfacere contradicit ad grave dampnum
suo & ex contra formam naturi predicti
et habens. et. C. de. et.

This wytte lyeth where the lord
refuseth convenable marriage to the
infant without disparagement, and he
refuse, the lord shal have this wytte
wherby he shal recover the syngle valur
of the marriage. et.

**A wytte of Forfeiture of
marriage.**

cf.

A writ of
Forsytur
re of mar
riage is
such.

And

388

Natura

And yf the heyre that is ransished be mar-
ried without assent of the ransishour, &
after the Gardeyne recovereth the value
of the marpage agaynste the ransishour
in this case the ransishour shall not have
this wytte of forsaithure of mariage a-
gaynste the heyre, for the heyre may plede
that he hath no ryghte of the seignorye,
nor the lord shall not have a wytt of for-
saithure of mariage, for that, & he hath re-
ceyved the value of the marpage agayn-
ste the ransishour. Note ye that some men
opinions is that a wytt of forsaithure of
mariage, not the value of the marpage is
not gyven to the lord, where he hath the
land in his hand, by reason of whyche he
hath the wardshipp, but if the heyre abate
in his lande at his full age afore that he hath
a grece with the lord for his mariage, he
shall have the sayd wytt, for that is men-
tioned of in the wytte, but in case that he
hath not the wardshipp of his land, he shall
have the wytt afore sayd, for there shalbe
no mencion made of the abatement of the
heyre into the lande.

Addicion.

Land was given to the husbande and
his wyfe, & to the heyres of their two
bodies begotten, and hath yssue a sonne, the
husbande dyeth and after the wyfe dyeth
and the lord seyle the wache, and proffer

D. 43.

E. 3.

to hym marpage, þy wybche he refuseth & marpeth hym selfe, & at his ful age, he en-
com in his land wythout grement made
to the lord, the forde byngeth a wytre or
Quar to intressit maricagio nō satisfacto
in the which wyte he dyd suppose that the
defendant was heyre to hys ffather, wher
the mother surpued and the defendant
pleaded that, in a batement of the wytre,
and the wyte was awarded good: for that,
that it is in the psonalte, & it is a personal
wronge made by hym selfe to wybche he
ought to answer. And the Gardeyn shall
reouer the double balus of the mariage.

A wyte de Raupthement de garde.

Rex vlc. saluti. Hi A. de B. & C. v. eius fe-
rentur. i. tuc pone. i. q. sic coram Justic.
iustis ad pūia pūiam. i. ostensū quare J.
iust. et hereditas B. infra etatem existentē eius
matrimonium ad ipsos A. & C. pertinet apud W. in
matrimonium caput. & adduxit coners voluntatē ip-
sorum A. & C. et contra pacem nostram.

A wyte de
caus Mes-
ment de
garde is
such.

Quod si hec sit in vobis Comitatu, tunc addat ista
conclusio. Et interim diligenter inquiras ubi ille
homo est in hanc tuam et ipsū ubicunque inuentus fu-
erit capias & saluū et sic rure custod: ita q. eū ha-
beas ad prefatā assisā corā prefatis Justiciariis
vel corā nobis ad prefatū terminū, vel coram pre-
fatis Justic. nris ad prefatū terminū, vel corā pre-
fatis Justic. nris ad prefatū diē ad reddendum
eū vel quibus dixeris. J. & C. & reddi debet. Et
habens ibi nomina pleg. et hoc breue. testa. &c.

Ostensū quare cum custodia Juliani filii v-
triusq. hec C. ad ipsū B. pertineat eandē vobis
conclusionis

hrentum.

Fol. clxx.

Exhibitis in ballia sua tunc poteris captas
lunas et seruis custod. ita quod eu habean coram
iudic nollris tali die ad reddendum cui pcedes
tus A. et B. reddi debeat. et.

De herede abducto fiat tale hntu. Rex. et.
Ostensum quare cum custodia tert et her
edis D. vbiq ad legitimam etate rinfet he
redis ad ipsu D. pertinet eo q pcedens D. tunc
sum. et. Et eidem B. in plena et pacifica seissina.
et pcedens D. filium et heredem et.

And the pces is, as is aforesayd in p **Proces**
wyt of Kaupthement of warde. et.

And note ye: that yf any man holderbe
any landes or tenementes of any lord by
knyghtes seruyce et dyeth, his heyre wynn
the same lord may entre in p warde
of the land, and take the body of the heire.
And if one tenant holde. ii. acres of land
seuerally by seuerall seruyces, the lord
of whom the land is holden by the aunc
tie seoffement shal haue the warde of the
bodye and that is given by the statute of
Wim. ii. Cap. xix.

And note ye that there is. ii. maners of
wyt of warde. The one is wher a man
holderbe of another. landes by knyghtes
seruyce. The other where he holdeth in
socage. The wardshipp by knyghtes ser
uyce belongeth to the chiefe lord of the
fee. And the wardshipp in socage belon
geth to the next Colin, after the warnte de
wardis, to whom the herytage may not
descende.

Natura
descende. But in case that the mother be
in lyue & the herptage disconde frome the
part of the father, & the heyze be wythyn
age the mother shal haue the wardshipp
as well of the lande as of the body, & in the
same maner shal the father haue & so shal
other Cosyns and auncellours haue.

¶ And in case that the next frende be
forsoled of y^e warde, he shal haue this wyrt.

R Ex vic salute. **P**receptum A. q^{uod} in lre. 1c. reddo B.
:: custodia terre et heredis C. que ad ipsu B. pe
tinet: q^{uod} predictus C. terre suu tenuit in soca
gio et p^{re}dictus B. est p^{ro}pinquior heredi ipsius C.
de dic. Et nisi fecerit. 1c. Teste. 1c.

¶ And if the beste in socage be ransomed
and not married, than the Gardeyn shal
haue thys wyrt.

R Ex vic salute. **S**i A. fecerit te. 1c. de. 1c. 1c.
p^{ro}p^{ri}et. 1c. B. q^{uod} sit. 1c. cor^{re} Justic^{us} ostend^{it} que
re cu custodia terre et heredi C. vlt^{imo} ad legem
tunc etate ipsius heredi ad ipu p^{er}inet eo q^{uod} p^{re}dict
C. terre suu tenuit in socagio. et p^{re}dict A. p^{ro}p^{ri}et
est her^{es} ipsius C. infra etat^{em} & in custodia ipsius A.
existit. ap^{ud} A. inu^{en}it vlt^{imo} et armis cepit et abdu
xit alla copia ei. 1c. vt in b^{re} de Tr^{an}sgressione.
A Alter q^{uod}si maritatur. Rec. 1c. vlt^{imo} et armis cepit
et abduxit. 1c. ipsum sine licetis et voluntate
ipsius A. maritauit ad gratie. 1c.

¶ And note ye: that a wyrtte of Ransome
ment of warde for the Gardeyne in so
cage, is nat gine by y^e statute of Westm^{onaster}
Ca. xxxv. which beginneth. De queris: et
But for that, that y^e statute of Westm^{onaster}
Ca. xliii. is, q^{uod} queretes no recedat a C^o
cellat

v.3.
c.2.

cellat sine remedio: this wyte is gynn by
the comon counsel of the chauncery, & the
wyte was that he claimeyth the ward wh
to be come to ful age, & the wytte was a
warded good. Note ye: that gardeynshyp
in Socage may not be sold.

¶ And note ye that a man may demaund
the wardshyp in thre maners. One ma
ner is whan a man demaundeth the ward
shyp of the lande & of the body by a wytte
of Kyght of ward, as afoze is sayd. The
seconde maner is, whan one tennaunt hol
deth of two lordes, of the one by pzyorite
and of the other by posteriozite: the lord
of the posteriozite may not byng a wyte
of warde of the lande and the body: for
the body belongeth to the lord of pzyor
tyte, and ther the lord of posteriozityte shal
haue a wytte of Eleccement be garde.

The thyrde maner is whan a man hath
the lande and not the body. Than he shal
haue a wytte to demaunde he body wyth
out the lande, and that by thys wytte of
Ranspshement of warde.

¶ And note in case wher the heire hath
bene in warde of the lord, & the lord wyl
not delyuer to hym his landes at his full
age. Than the heyre shal haue Rysple of
Forbauncefour and reconer the landes
with his damages: after that, y he come
to hys ful age. As it apperethe by the sta
tute

1012 1013 Natura
ture of **Part. Ca. xvi.** whiche begynneþ.
Si heres aliquis, &c.

C And note ye: þ̄ yf the infant be marryed
in the lyfe of hys father, thowhe that af-
ter the deathe of hys father he is wythyn
age, and the wyfe of the heyre dyed, þ̄ lord
shall not haue the maryage for that: that
he was one tyme marryed. In þ̄ same ma-
ner is yf the lord marie the Infant & his
wyfe dyed, he being wythin age, the lord
shal nat haue the mariage another tyme.

It is sayd that there is Gardeynne in
ryghte and Gardeyne in dede, for yf the
Gardeyn in dede let the land to a stran-
ger for yerres a wyrt of Dower, or a wyrt
of warde is not mayntenable agaynst
hym but agaynst the lord. Otherwyse
is, wher the Gardeyn in ryght, or Gar-
deyne in dede, lettes hys estate without
wyrtynge vnto the full age of the infant
in whiche case the wyrt shalbe main-
tained agaynst those lettes.

And note: that yf the heyre hath bene in
warde, he shall pay no relpese but whan
his ancessour held of þ̄ kyng by knight
service, or by fee serm, þ̄ paieþ knyght
seruyce, the kyng shall haue the ward of
al the lands & the bodye, & whan he com-
meth at his full age, he shall paye relpese
to these other lordes, after the quantite of
hys tenure, as it appereth by the great

Char

Chartour. Ca. ii. But the heire in Frāh
 Socage, whan he cometh to his full age
 after the death of his auncestour he shal
 double the rent y he was wont to pay to
 the lord & that shalbe in place of reliefe.
 As it appereth by the statute de wardis
 et reletis. Capitulo primo.

Note yet that Socage may be sayd in
 thre maner, that is to saye, socage of fre
 tenure, Socage of Auncient tenure, and
 Socage of bale tenure. Socage of fre te-
 nure is where a man holdeth by fre ser-
 uice of. xii. d by yere for al maner of ser-
 uyce, or by other seruices yerely. And in
 this Socage the next colyn to the infant
 to whome the heritage may not discend,
 shal haue the ward as it is aforesaid. So-
 cage of auncient tenure is of lande of au-
 cient beneane where no wryt or ygnall
 shalbe sued, but the wryt of Ryght, that
 is called Scdm cōsuetudinē maneri. So-
 cage of bale tenure, is of those y holdeth
 in Socage, and may haue no other wryt
 but the Monstrauent & such Sokmen
 holdeth by no certayne seruice, & for that
 are they not fre Sokmen.

A man shall haue a wryt of Ransome-
 ment of warde of the body notwithstanding
 that he was neuer in possession of
 the body: for maintainant after the death
 of his tennant, the heire beyng within

Statute

age, the possession of him is adjudged in
lawe by the act of the lawe.

If a man make a feoffement by dede, or
by syne of landes holden by knightes ser-
vice, or suffer any recoverie against him
to his vse upon trust and dieth, his heire
shall paye reliefe if he be of full age and
that by the statute of An. iiii. H. vii. ca. iiii.

Also if the tenant in socage, make
feoffement to his vse, the lord of whome
the lande is holden after the death of his
tenant, wherof no will is declared, shall
haue his reliefe & therof & all other due-
ties, as he ought to haue had, if the tenant
had dyed seple. And that by the statute
of Anno. xix. H. vii. Cap. x.

Addicion.

In a writ of Ranshemment of warde
&c. It was sayde that if the tenant of a
bysshop die, his heire within age, & after
the bysshop dyed & seple not the infant
in his lyfe, the successour maye seple, or
haue a writ of Ranshemment of warde.
And it was sayde, that it is no plee in a
writ of Ranshemment of warde to saye
the auncestour of the infant helde not of
hym, for whether he holdeth of hym or
not, it shall not be lawfull for no man to
ranshem the warde from hym, without
affirming tyle in hym selfe.

In a writ of Ranshemment of warde,
the

10. 2.
10. 4.

10. 10.
10. 3.

the plepntys declareth that the father of the Infant holdeth of hym a maner by knights scruyce in S. 4c. and y the defendant hath him rauyshed, & in the wyrt y Infar was made heyre to his father, by cause y the father dyed seyled of the sayd maner in his demeane as of fee. And the defendant alledged y the graundfather of the Infant died later seiled. 4c. so ought he to haue ben made heyre to the graundfather, and not to the father, & that was no ple wythout shewing that the graundfather dyed later seyled by tyle, for it may be that he was in by abatemēt, and after y yllue was taken, that the graunde father dyed later seyled of fee, wythoute that, that the father dyed seyled of fee, & the plepntis mainteyned that the father dyed seyled of fee. 4c.

¶ A wyrt of Rauishment of ward was brought agaynst. iiii. mē & a womā, the enquest saide y the men were gyltie of y Rauishment, & not the womā, but that they marved the Infant to her doughter, and for y was she like wise adiudged gyltie, as, the other were, & the pleintise recovered y balue of the mariage without damages, & they awarded to prison by y statute of West. ii. Cap. i. And it was demaunded of the plepntys yf they were sufficiēt or not, & he said that they were:

Natura

or other wyse they ought to be awarded
to perpetuall pryson, or aduare the lande
by the same statute.

A wyrt de Electione custodie.

A wyrt de
electioe cu-
stodie 13
suche,

Rex vis salutē. Si A. fecerit. sc. tunc cum per
bonos. sc. B. q. sit. sc. tali die ostensum quā-
re custodia terre. sc. hered D. vna cum marita
gio vsq. ad legitimam etatem eiusdē herē ad ip-
sam A. pertineat pro eo q. predictus D. terram
suam tenuit de eo p. seruit militare. Et idem A.
in plena et pacifica illa eiusdem custodie exis-
terit p. dictus B. ipsū A. a custodia illa vi et ar-
mis elecit ac bona catalla sua ad valenc. L. 5.
apud D. inuent cepit et aspoxt et alia enormia
sc. et contra pacem nostram. sc. teste. sc.

This wyrtte lyeth where the lord is
put out of the wardshipp of the lande
that he hath in his possession, than the
lord shall haue the sayde wyrt agaynst
hym that putteth him out. And know ye
that this wyrtte of puttynge out of the
wardshyppe lyeth at al times, whan the
lord is put out of the wardshipp of h land
without the body. And a wyrt of Kaupf-
thement of warde lieth where h bodie is
Kaupfshed without the lands. And a
wyrt of Kyght of warde lyeth where he
is put out of both. And it is said, that the
Gerdein in Socage may maynteyn this
sayd wyrt, & a wyrt of Kaupfthement of
warde, but not wyrt of Kyght of warde.
By the Register a man may haue a wyrt
of Kyght of warde, & also a wyrt of Ka-
upfsh

upsthemēt of ward by reason of a ward.
 And knowe ye that a writte of Ryght of
 warde the proclamaciō shal not be made
 afore the great dysstres returned, but in
 a writ of Weane in the great dysstres, it
 shalbe comāded to þe Thirise that he make
 the pclamaciō, as is geuē by the statute
 of West. Cap. ix. whiche beginneth. Cū
 capital dñi. &c. And also by þe same statute
 Ca. xxxv. which beginneth. De pueris. &c.
 wyl that in a writ of Ryght of warde p-
 clamacion shalbe made by defaute of the
 defendaunt, but by the same statute in a
 writ of Ranisshemēt of ward by defaute
 of the defendant he shal make no procla-
 macyons, but at times a dysstres. And al-
 so knowe ye: that Gardeyn in soorage, is
 accomptable at the full age of the infant
 as it is said in a writ of accompt, that is
 to say, at. xxi. yerres, and not afore, but þe
 Infant shal haue hys lanbe in his owne
 habes whan he is of þe age of. xliij. yerres.
 And note ye: that of landes holden by *Nota.*
 knyghtes seruice, the statute of Mar.
 Ca. vi. which beginneth. De hi. autē. &c.
 will þe where þe heyre is infeoffed, beyng
 wīn age by his auncestour, that the lord
 shall not lose the wardshipp by reason of
 such feoffemēt made by such Collusion.
 And also by a feoffement made vpon cō-
 dicion by the auncestour yelding to him
 D. ij. and

Natura

and to his heyres a great some of money
 vnto a certain terme, at the end of which
 terme the heyre may be of full age, & tha
 to entre into the lande, in this case h lord
 shal not lose the wardship, if he may pro
 ue by his wyrtre of Ryght of warde that
 the tenaunt made the seoffement by col
 lusion, and the profer to proue by the cou
 tre, and by wryting, that the seoffement
 was made by collusion, he shalbe recey
 ued. It is sayd that if lades be let for ter
 mie of lyfe the remaynder to another in
 fee, & he in the remaynder died, his heyre
 within age, the lord shall not haue the
 wardshyp of hym during the lyfe of the
 tenaunt for terme of lyfe: but if h tenant
 for terme of lyfe dye, the heyre beyng w
 in age & entre in the lande by force of the
 remaynder, now the lord shall haue the
 wardship: for that, that he is as heyre to
 his father. And in case that a man let la
 des & tenementes to another for terme of
 lyfe sayng the reuercion to hym and to
 his heyres, if the lessour dyed, hys heyre
 beyng within age, the lord shall haue h
 warde & marriage of the heyre, notwithstanding
 that he hath estate for terme of
 lyfe, to holde of the chiefe lord of the fee.
 And also yf lande be geuen to two, to the
 one in taile, and to the other for terme of
 lyfe, yf he in taile dye his yllue beyng
 with

with in age, the lord shall not haue the
warde of the bodye: for that, that the te-
nant for terme of lyfe is tenant to the
chiefe lord, but after the death of the te-
nant for terme of lyfe the heyre beyng
with in age, he in the reuercio shall haue
the wardshipp & not the lord. If the fa-
ther be seyled of certayne landes or tene-
mentes, & hath yssue a doughter with in
age that is his heire, & marry her to a mā
of full age, & dyed, the lord shall not haue
the wardshipp: for that, that the husband
is able to make the seruices due by reasō
of the land. But in case that a man marry
his doughter beyng of full age to an In-
fant & dyed, in this case y lord shall haue
the wardship, for the wyfe may make no
seruices during the marriage: quere.

¶ And note ye: that all wytes of warde
excepte this wyte of puttynge out of the
wardshipp, may be pleaded in the countie &
remoued into y comon place by a Pone.
And where the Stat. of West. ii. cap. xvi.
whiche beginneth. In casu quo. &c. wyll
that if landes discende from the part of y
father holden of one man, & other landes
discend from the part of the mother hol-
den of another man, that lord of whome
the lande is holden by the spzst feoffment
shall haue the wardshipp & the marriage
but the tenant by his feoffment maye
D. iij. change

Quere.

Natura

chaunge the priorite & put into the posterite. But it is sayde yf a man come to diuers landes holden of diuers lordes by one feoffement, he that first may obtē the warde of the body shal haue it, but yf landes be holde of the king by knyghtes seruice, he shal haue the wardship of all of the landes holden of other lordes by knyghtes seruice, as of any other lādes holden of hym selfe, & also shal haue the mariage, hauing no regarde to the priorite, nor to y posteriozite. As it appereth by the kynges prerogatiue. Cap. i. And note ye: that it was iudged for the Erle of Warwike. An. xx. E. iii. wher y Erle was seyled of an Infant and of his landes: for that, that his auncestour dyed in his homage, where other lādes was descended to y same Infant by another auncestour, that was holden of the kyng by priorite, oz posterite, in the one case, oz other the kyng shal not haue the wardship of no landes, but of such landes holden of him selfe, nor the wardshipp of the body, & the cause is: for that, that y Erle was seyled of the warde at one tyme by true tyle. And knowe ye: that if any tenant dyed seyled of any landes holden by posteriozite, the lord of whō the lande is so holden obteyneth the wardshipp of y body: if after other landes descend of the same

byentum.

Jo. chr.

saime Infant, that are holden of another
lozde by pziortie, the lozde that fyrst ob-
teyned the ward shal not be put out of h
wardshipp by hym of whō the successour
of the heyze holde by pziortie: for that, y
it was a chatel one time in the possessiō
of the lozde of whom he helde by possery-
oztie. And note ye: that yf two coperce-
ners byyng a wzyt of warde and the one
wil not pursu, y other shalbe receiued to
pursue her right of the halfe of the land,
and the hole body, otherwise is in al ma-
ner of accyonis personalles, as trespass,
Dette, Couenaunt, oz such like, the not
suyng of the one, shalbe the not suyng
of the other. And note ye: that yf an In-
fant be rauished and married by the Ka-
upthour to one wherby he is disperged
he may forlake his wyfe yf he hathe not
known her carnallys befoze the age of
xiiii. yeares.

Addicion.

Note ye: that these wordes were in C. 2.
the said wzyt. Quare custodia terre & he C. 12
redis, & it was chalenged, for this wzyt
properly hath relacion to the lande, and
he may haue another wzyt for the body,
and not wythstanding the wzyt was a
warded good.

Note ye: that thys sayde wzytte was D. 13.
brought of land & rent, & was challenged C. 3.
for

Natura

for that: y^e rent may not beholdē, for the
Deane is tenaunt of the lande haupnge
regarde to hys lozde & of hym he holdeth
the lande, & not the rent, for this wyzt of
Warde, Elcheyt, Cessauit are not giuē
of rent, but after of good wyl the defen-
dant passeth ouer. Ideo quere.

**Pa. 17.
C. 3.**

In this wytte of puttyng out of the
wardeshipp by reason of a deuise, suche a
clause was in the wyzt. Et blada sua apud
H. nunc cresset missuet & blada illa ac oia
alia bona et catalla ibid inuent ceper et
asportauer contra pacē, & for that, y^e this
wyzt was graunted vpon the ryght of y^e
sepyng, & wythin the same an accyon
of Trespas agaynst the peace cōprehēded
so is there cōprehēded wythin the same
acciō. ii. acciōs of diuers natures, wher
fore the wyzt abated.

An. 6. h. 6.

If an Infant beyng aboue the age of
xiiii. yeres, make assiaunce in the lyfe of
his aūcestour, & after his aūcestour died
notwistandynghys assiaunce, the lozde
shal haue the mariage. Also if the infant
be maried in the lyfe of his aūcestour &
the aūcestour & she to whom the infant
was maried dyed, the infant being wim
xiiii. yeres. the lozde shal haue the mari-
age, otherwys is yf he were passe y^e age
of. xiiii. yeres at y^e tyme of y^e death of hys
aūcestour or at the tyme of y^e death of her
to

FD-35

There,

0.031848

**A wit of
eschepte is
suche.**

This wyrt may be formed in many
maners: for yf the very tennant or
any lord y holdeth any tenement of
him wythout. Heane make felony, for y
which he is hanged, or forswere y kny-
ges lande, or yf he be heded, or outlawed
or banquysshed by baraille to death, or if
he

Natura

Proces.

he be hartard & die without betre of his
 hodye, or dye wythout heyre general, or
 special, than if any mā entre in those lā-
 des or tenementes, & chiefe lozde of whō
 he holdeth after a yere & a daye of the fe-
 lony made, may reconer & tenemetes a
 foresayd by this writ of Eſcheyr, accor-
 dyng to his case, as it appereth in the re-
 gistre. And the proces is in the writ. So
 mons, graunde Cape, and petit Cape.
 And agaynst & Jurours Contre facias,
 Habeas corpora, & distres. But if the te-
 naunt in taile, tenaunt in dower, tenaunt
 by the courtesie, or tenaunt for terme of
 lyfe, make felony, for the which he is at-
 taynted, as is aforesayd, the kynge shall
 haue the Eſchet durynge theyr lyues, &
 after theyr dettes, he in & reuerſion shall
 lue to the kynge by peticion, & shall haue
 the sayd landes out of the kinges hands
 and not the lozde by way of Eſcheyr: for
 that, that the said tenautes are not very
 tenautes to the lozde, for none is called
 very tenaunt, but tenaunt in Fee simple.
 For he in the reuerſion maye not haue
 lande durynge the lyfe of such tenautes
 for that, that the lande is gyuen to them
 by the lawe during theyr liues without
 any suche forſayture to hym in & reuer-
 ſion, but the kynge shall haue the lā as
 aboue is said, for & hainous act comitted
 againe

brentum.

Fol. xxi.

against his law. And note ye: y in p ag-
na carta. ca. xxi. which beginneth. Pos-
non tenebim⁹. &c. wyl that if the tenant
in fee simple make felony. &c. The hyng
shal haue the landes for a yere & a day, &
after to be yelded to the chiefe lord & Im-
mediate. And by the kinges prerogative
Ca. xlii. wil that the king shal haue such
landes for a yere & a day, & after the tene-
mentes shalbe wasted & destroyed, that is
to say, houses, gardens, woddes, & euery
other thyng belonging to the sayd tene-
mentes, and after they shalbe deliuered
to the chiefe lordes, except those teneme-
tes that are in Gloc. Kent, & Gauekindre
that are by custome, for those tenementes
shal reuert to the next heire as no felony
had bene made. And note ye that if tenat.
in fee simple be attainted of felony and
died, his wife shal not be dowed, nor his
heire enheryte: but if the tenant in taylor
be attainted of felony & dyed, his heire
shal enheryte: for that, that he is helped
by the statute of West. ii. ca. i. that wyl
that by dede, nor by feoffment, the heire
in taylor shal not be barred, but in y case,
the wyfe shal not be dowed: for that, that
he hath no accion at the comon law, nor
yet helped by the statute.

Note ye: y where a man is outlawed Nota.
for felony euery accion that he hath for
catelles

Statuta
catelles, goodes, & enheritaunce, & right
is extinguiſhed in his perſon & he is not
anſwerable but if he purchaſe his Char
tour of pardon & purchaſe other lādes af
ter in fee, it is ſayd that his yſſue ſhal en
herite, but if his heyre do a felonpe, & ſo
the ſame outlawed in the lyfe of hys fa
ther, and after the death of his father he
purchaſe hys chartour of pardon, yet he
ſhal neuer inherite, ſo that, & the blode
betwixt him and his father at one time
was corrupted. And note ye that if a mā
be outlawed ſo that treſpas he ſhal neuer be
anſwered in any acciō parſonali unto
ſuch tyme he hath purchaſed hys Char
tour of pardon, but in any ple real to ſay
that he is outlawed ſo that Treſpas that is
nat to the acciō, but to the perſon, as Ex
cōmencement is. And not ye: that a mā
ſhal not haue his chartour of pardon ſo
ſonall Treſpas allowed, excepte he ſue
a Scire fac. out of the recoꝝd againſt the
part, at whoſe ſuit he was outlawed &
know wherefoꝛe his Chartour of pardon
ſhulde not be allowed, and that is givyn
by y new ſtatute of E. iii. An. v. Ca. xii.

And note ye, that yf a man be hanged
ſo that felonpe by iudgement, the lord ſhal
haue a writ of Eſcheit, & ſhal ſay that he
was hanged & it ſhal be no trauers to ſay
that he was not hanged, & that was iudg

brentum.

Fol. cxli.

ged in the Parliament. An. viii. C. iii.

Addicion.

In a wryt of Eschept, the wryt was Pa. 46.
challenged: for that, that he supposed, y C. 3.
he that made the felony helde of y father
of the demandant whose heyre he is,
where the wryt shuld be: Quod de eo te-
net, for that, that after the death of hys
aunccestour whose heyre he is, he was re-
nant to him bycause of the seynnoy dis-
cende, and not allowed.

If a man hold two acres of land of a C. 14.
man by seuerall seruyces, and dyed with D. 7.
out heyre, it is conuenient for the lozde
to haue two wrytes, and yf a man holde
of me. i. acres of lande, and afoze the sta-
tute he make a feoffement of one of the to
hold of hym by. vi. d. and dyed wythoute
heyre, I shal haue a wrytte of Eschepte
supposynge that he holder the of me. ix. a-
cres and. vi. d. of rent and yet in dede he
holde the land of me & the cause is for
that, that they of the chauncery wyl not
graunt a wryt of any other fourme.

In a wryt of Eschept, it is no ple for D. 2.
the tenant to say that he, that the defen- D. 4.
dant supposeth to be seyled, that he died
not seyled of y lande, but it is a good ple
to that he dyed not hys tenant, and that
passe shalbe taken vpon that.

And by the same reason may he say, y D. 37.
he hol- D. 6.

Natura

he holdeth not of hym.

C.3.

E.2.

In a wryt of Elcheit it is not conuenient for the demandant to shewe in his declaracion for what felonie his tenant was atteynted.

B.14.

E.3.

And yf he shewe any recoorde to proue the atteynder, & errour in the recoorde, it is not materpal.

B.34.

E.3.

If my tennant be iudged to be haged and after is deliuered to the ordinarie, I shal haue a wryt of Elcheyt.

B.15.

E.2.

In a wryt of Elcheyt, the defendam may make discēt fro his ācestour to him

B.11.

E.3.

Note ye: that yf rent seruyce be gyuen in taylor, and the tennant in taylor dyscontinue in fee, and the tennant attourn and died wythout heyre, so that the land Elcheit to the dyscontinue the tennant in taylor dyed wythout yssue, the donour shal haue a wryt of Elcheyt, and nota Formedon in the reuertour.

B.13.

E.3.

E.11.

B.4.

By the opynon of Parū and Trewe, that a wryt of Elcheyt lieth not of rent, and that appereth in a wryt de Election custodie.

B.4.

B.10.

B.6.

B.26

E.1.

In a wryt of Quare se intrusit maritagio non satisfacto, the opynion is that a rent lyeth in tenure.

The lord & the tenant are, the tenant let his lande for terme of lyfe yeloping certayne rent, the tenant hath yssue and died

Pol. crit.

Note ye, that if the disseisyn be atteined of felony, y lord may entre in þ land.

E. E.

現.7●

P.J.

of Dy-

Patna

of distress proces of vclawye. And þ wzt of Couenaunt may be pleaded in þ cou- tie, oꝛ befoze the Iustices of the comon- banke, & may be pleaded by the same he- lates, as a wzt of trespas may. And note þe: that a wzt of Couenaunte lyeth not, but betwyt those that are parties to the couenaunt, oꝛ their helres oꝛ their assig- nes, as the wzt wyl.

Addicion.

D. 16
C. 3.

Note þe that this wzt ought to be, þ the defendaunt ought to holde cōvenant of so much lande, & not general, as of all the landes let to hym, & the wzt of Coue- nant foꝛ leuyng of a fyne, the wytte shalbe certeyne of what lande.

D. 47
C. 3.

In couenaunt the wzt was to holde covenant of a mesuage & C. acres of lād in þ. and the indenture was of al the lā- des and tenementes in þ. the wytte dyd not abate foꝛ the varianice.

E. 16.
D. 3.

Note þe: that if a man lette landes in Wyod by indenture that are in another county, if the lette lessy be put out he shal haue this accion of couenaunt where the lease was made, oꝛ in the county where the land is, notwithstanding that the dede bereth date where the lease was made.

E. 16.
D. 6

Note by the opinion of the court that a wzt of Couenaunt lyeth not of free- holde, if it be not of a speciall matter the- wed,

web, as if a disseysour let lades to me in
warrant & bynde him by indenture, that
if the disseysly entre & put me out, than I
shall haue a wryt of Couenant, but if the
lessour or any other y^e hath no ryght put
me out, I shall haue a wryt of Trespas.

¶ Note ye: that in London a man shall
haue a wryt of Couenant withouth wryt. C. 17.
D. 6.
ryng by the custome.

**¶ A wryt de Dedimus potestatem
de fine levanda.**

Rex dilecto et fideli suo J. de B. salutem. Cum
venerimus de conventionibus pederat coram vobis et locis
vris. et. ent. w. et. J. de decem acris terre cum p^{re}sentibus
in J. ad finem inde coram vobis in eodem banco secun-
de legem levand. et. ac p^{re}sentibus in a deo languidus
sit. et scio cōfractus: q^{uo}d v^{os}q^{ue} Westm^{onasterii} ad diem in
hunc p^{re}dicti cōtentū absq^{ue} maximo corporis sui
genuo v^{os} non possit ad cogn. que in hac parte
requirit facientib^{us} ut accipimus nos statū eiusde^m
w. comp^{re}sententes. In hac parte dedim^{us} vobis po-
testatem recipiend^{um} cogn^{itionem} quam p^{re}dictus w. fac.
voluerit in p^{re}missis. Et ideo vobis mandam^{us}
q^{uo}d ad p^{re}fatum w. p^{re}sonaliter accedentes cog-
nitionem suam recipiat^{is}. Et cum eam recip-
ieritis p^{re}fat^{um} locos v^{os} inde sub sigillo v^{ost}ro
distincte et aperte reddatis certiores: et tunc si
nulli t^{er}re partes p^{re}dictas de terris p^{re}dictis in
eodem banco levare possit sc^{ilicet}dm legem et consue-
tudin^{em} nostri. Et habeas et. rest. et.

A wryt de
Dedim^{us} po-
testatem de
fine levand.
is luche.

This wrytte lyeth in case where two
men are agreed to levie a fine in the
kynge's courte, and the one of the par-
ties is so feble that he may not travayle
P. ij. than

Natura

than he may purchase this writ out of
Chaucery to one Judge, or to. ii. or mo
or to one sariant sworn to the kyng, re-
berlyng how the writ of conenaunt han-
geth betwixt the parties, & he that hath
pursued this writ of *Wedimus potestatem*
is so feble that he maye not traunple. &
for to make the recognisaunce betwixt
them, & that the Judge in his proper per-
son go to the party that is so feble to re-
ceyue the recognisaunce, & to certify the
Justices of the comon banke, and whan
they are comen with the recognysaunce
into the court, than the sayde fyne shalbe
ingrossed & inrolled. And in this writ is
no pces, but where suche Justices hath
receyued the recognisaunce in the maner
aforesayd, and will not certifie theyr fe-
lowes of the sayd recognisaunce, than
party that hath made the recognisaunce
may haue a writte dyrected to the same
Justices commaunding them, that they
certify their felowes of the same recog-
nisaunce vnder their seales, and to haue
another writ directed to the Justices of
the comon banke, that they receyue the
sayd recognisaunce of them, as it appe-
reth by the Register.

A writ de Contributi-
one facienda.

A writ de R. Es. re. Margarete B. del balliuis Magarete
Contribu- te B. de A. salutem cum de cōi consilio regi-
ni nostri

bzenlum.

Fol. crv

ni nostri prouisiu sit: quod si hereditas aliqua, tione facit.
de qua vnica tñ fieri secta pro hereditate illa si da is such.
cui prius consuet fuit ad hoc fiat debita cōtr:
batio ad eiusdē ac w. R. de R. custodi scolaz
rium de R. et alius h. plus vndides terras et te
nemetra sua R. de quibus vnica secta tñ ad cu
riam p̄dictā R. debetur: sicut idē custos nobis
mōstrauit, vobis p̄cepimus: q. non distringer
custodē nisi pro portione sibi et p̄fat. scolaz con
tingent de terris et tenementis p̄dictis ad su
peralem sectā faciendā ad curiam p̄dictā vel
ad curiam p̄dictā dñi nostri de R. contra for
mam prouisionis p̄dicti. Teste. r.

A wypt de Assisa Pone disseisine.

Rex vñ salutē. Questus est nobis A. quod A wypt de
B. iniuste et sine iudicio dñs eū delibero Assisa no
tenemento suo in R. post p̄mā transiit dñi ne disseisi:
d. regis filii regis Johis in Balcon. Et idio ti ne, is such,
h. p̄cipim⁹ quod si p̄dictus A. fecit te lēcut de
clau suo p̄p̄e. tñt fac tenement illud rescitit de
catal: que in ipso cap̄t fuerunt et ipsum tñ cū
catal: esse in pace vsq. ad p̄mā assisam cum
iustic. nostris in ptes illas veniunt. Et interm
fac. et. liberos et legales hoēs de visum illo vñ
vel tñ illd. cum quod sint coram p̄fatis iustici.
nostris ad p̄fata assisam parati inde facere
recogn. Et pone per vad. et saluos pleg. p̄dic
tum B. vel balluum suum, si B. ipse inueniens
non fuerit: quod tunc sit ibi ad illā recogn. Et
habeas ibi cum noia pleg. hoc b̄p̄ue, teste. r.

The patent of the same wypt.

Rec. r. dilectis et fidel. suis A. B. et C. salutem
Sciatis quod constituimus vos iustic. no
stros v̄ra cum aliis quos vobis assis. ad assis
sam R. dñs capiendū quam A. attā coram vo
P. iii. bis

Natura

his per bene nostrum verius B. de tenemento
in J. Et ideo vobis mandamus: quod ad certos
diem et locum quos ad hec prouideritis assiam
illam caplatis facturi inde quod ad Iuliz per
tinet scdm legē et cond regui saluis nobis amerc
xiamentis inde prouenientibus. Mand enim
hic, nro B. q ad certos diem et locum quos et
dicte facias assiam illam corā vobis Venire
facias. In cuius rei testimonium has lras nras
fieri fecimus patentes. Teste, etc.

Thys wytte lyeth where a man is
disseyled of his freholde. s. of landes
tenement, rentes, comon of pastures or
suche lyke that he holdeth for terme of
lyfe, fee tayle or fe symple, or where he
hath lande or tenement y is delpyered to
hym by vertue of a recognisaunce of the
statute marchāt, or by the statute of the
Staple, or by Elegit, as it appereth by y
statute of marchautes, or by the statute
of y Staple. An. rrvii. C. 3. ca. ix. And by
the stat of west. ii. ca. xviii. thā y disseille
shall haue the said wytt against y disseyl
sour, or against whosoever is in possell
on (liuing y disseylsour) and it is necessary
that the disseylsour be named in the wytt
or other wyse the wytte shall abace, and
that is geue by the same statute of west.
second. And note ye: that if the Cardein
or the chiefe lord make a feoffement to
any man, of the land that is of the heri
tage of hym that he hath in warde to the
disseyl

disseueritance of the warde, the warde
may mapntenant haue the sayde wzt, &
whan the lande is recovered, it shall be
deliuered by the Justices to the next fréd
of the Infāt, to whom the heritage may
not discende, and to answer the heyre of
that pzoofes of the lande whan he com-
meth to his ful age, as it appereth by the
statute of Westm. i. Cap. xlvii. whiche be-
gynneth. Si garden. &c. And loke the sta-
tute of West. i. Cap. xxxvi. whiche begin-
neth. Puruen est ensemēt et accorde. &c.
howe a man shalbe punyshed for dissey-
son with robbery. Also if the Escheitour
byrse, or baplyse of the kyng disseysle a-
ny man by coloure of his office without
special warrant or commaundement of
the kyng: the disseysly may recover by the
sayde wzyt, & recover double damages:
as it appereth by the statute of Westm. i.
Cap. xxxiii. whiche begynneth. Puruen
est ensemēt que nul eschetour. &c. And
in what cases that this wzyt lyeth, looke
the statute of Westm. ii. Ca. xrb. whiche
beginneth. Quia non est aliud bzeue. &c.
And howe and in what tyme this wzyt
shalbe taken, & loke the statute of West.
ii. Cap. xxx. whiche begynneth: Assign-
ment de cetero duo Justic. &c. And in
Magna Carta. Cap. xii. whiche begyn-
neth. Recognicionis de Pouel disseison.

P. lly.

And

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And loke the new statute of Ed. iii. an. ii. ca. ii. & bi. And in þe statut of fines. ca. xl. which beginneth. Item cū statumur ec. And in the statute of Worke. Cap. iiii. which beginneth. Quod cōe sit loit contris. ec. And the proces in this wytte is attachment against the party, Homōs, Habeas corpoza & distress against the Inrours vnto they come. And note ye: that freeholde is called, where a man holdeth land oꝝ tenement in fee simple, fee tayle, oꝝ foꝝ terme of lyfe at the least.

Proces.

Addicion.

Ed. 26
17, 6

In assyse the wytte was Done y bad & saluos pleg. predict J, vel balliuū suū, qd sit sibi auditur. ec. where it should be, qd tunc sit ibi, & the court was in opinio to abate the wytt, wherfoze the pleyntiff was nonsuyt.

In. 44.
Lib. 26.

Assyse was brought by the husbāde & the wife, the ptes were at yssue, but not of the poynt of the assyse and was found foꝝ the pleyntifes how the wife was disseyled afore the marriage, & that the husband had nothyng, so the wytt was false disseisuit eos, and notwithstanding the pleyntife recovered.

In. 24
C. 7.
Lib. 26.
P. 100, 9

If there be. iiii. sopntenātes. &. ii. disseyle the other. ii. al foure brought assise against. it. of the that were disseysours, and the wytte was disseisuit eos: so the wytt

bzenlum.

Fol. cxviii.

Wyt supposeth that the two disseisors
disseised the selfe, & not wythstandyng þ
wyrt was awarded good. And if. ii. ioynt
tenauntes are disseised by a strainger, &
after the one come to þ tenaunte by pur
chase, yf the other wyll recover, it beho
ueth that both be named, soz that, that þ
wordes of the wyrt may be true & dissei
sint eos. But whā one ioyntenant put
teth out the other, thys worde disseisint
eos is false, soz the one may not dysseise
him selfe, therfore he shal haue a writ in
hys owne name.

¶ In assyse, the tenant sayd þ the plain
tiffe is hys byllain. Judgement. &c. the
pleyn tiffe sayd that he was fre. &c. and it
was founde that he was fre, but that he
was neuer seised of suche estate that he
myght be dysseised, the pleyn tiffe sayde:
we are at yssue out of the poynt of assyse
that is founde soz vs, therfore they neede
not to enquyre but of the damages, and
after it was awarded that he shuld take
nothyng by his wyrt.

¶ And note ye: that assise may be taken
in. iiii. maners. s. at large, in þ poynt of
assyse, out of the poynt of assyse, & ryght
of damages. Assise at large is whā an in
fant bringeth assyse & the dede of his au
restour is pleaded, than the assyse shalbe
taken to enquyre at large, that is to say,
yf

34.31.

C.3.

Lib. ass.

Rota.

Natura

if his sunceffour was of ful age, of good memoꝝ, & out of pꝛyson whā he made ꝑ dede. Aſſiſe in poꝛnt of aſſiſe is, whā the tenaunt pleadeth no wzonge noꝝ no dꝑſeꝑſb. Aſſiſe out of poꝛnt of aſſiſe is whā the tenaunt pleadeth a foꝛreꝑne releaſe, oꝝ foꝛreꝑne matt triable in another couꝛtie, than the Judges ſhal put the recoꝛde in the comon place to tꝛye this foꝛreꝑne plee & whan that is tꝛyed, they ſhal ſend agayne the aſſiſe. And in right of damages is whan the tenant confeſſeth a put tꝛyng out & demurreth in law the whꝑch matter is iudged againſt him, nowe the aſſiſe ſhal be take in right of ꝑ damages.

An. 8.
C. 2.

¶ Note ye: yf the Gardeyne of an Infant take a feoffemēt of ꝑ Infant being in his ward, the Infant ſhal haue aſſiſe, & the Gardein ſhal be iudged a diſſeꝑſout and comꝑtted to pꝛyson yf it be founde.

Nota.

¶ If my tenant be attainted of felony, & the kyng graunt the yere & the daye to a ſtraunger, yf the ſtraūger be diſſeiſed, I ſhall haue aſſiſe, by all the court. And note ye, that ſeiſon of ſealte is no ſeiſon of ꝑ rēſ wherby he may of ꝑ haue aſſiſe.

An. 44.
C. 3.

¶ If the tenaunt pleade a ple in barre, & the pleintyfe make rytle and trauers the barre, though the rytle of the pleyntyfe be falſe, yet the tenaunt ſhal not haue a nantage to take the aſſiſe vpon the ritle, but

bzeuſum.

fo. cxdiff.

but he ſhal be charged to maynt his bar.
Otheꝛwiſe is wher yf the pleintif make
to him a title, and anſwere nat the bar.

¶ A man may be tenat of the ret by his
diſceſſyn, as if he leute the rent of my te-
nantes by cohercion of diſtres, but if þ
tenant pay to him the rent of his good
wyl, that ſhall not be intended the rent
þ I ought to haue, but another rent, ſoz
by ſuche payment without other thinge
doynge I ſhal haue no Aſſyle.

¶ If ret diſced to me after the death of my father, & afoze the day of paymēt of þ ret

Pa. 49.
C. 3.

the tenant putteth me in ſeiſon of þ rent
by anore, thys ſeyſon is not ſufficient
wherof I may haue aſſyle, but if he pay
to me a peny as pcel of my ret nat wiſtā-
ding yf it be afoze þ day of paimēt of this
poſſeſſiō I ſhal haue aſſile, but if I reco-
uer ret & afoze þ day of paymēt, þ wher yf
put me in poſſeſſyō of the rent by anore,
of this poſſeſſyon I ſhal haue Aſſyle.

¶ A wyte de Reddiſſeſſon.

Rex vic. ſalutē. Mōſtrauit nobis J. qđ cū J. wyte of
iſte in cur nō corā Juſte, nōis iſtā re. vel Reddiſſ. to
corā dilectis & fidelib⁹ nōis R. & F. Ju- ſuche.
dic. nōis ad aſſiſas in com. 1. capiendo aſſiſi p
bte nēm recupauit, aſſi ſua vert⁹ B. de. r. acciſ
ſre cā ptiā in J. per recogn aſſie Ro. diſſeſſiā
tbi inter pꝛeſatis d. et B. capē pꝛeſat B. iplū
d. de eadē tē. & iniuſte diſeſſit. Et ideo tibi pꝛ qđ
aſſiſis cuſtodib⁹ placitur corone nꝛe. xli. tanē
maſt qđ aliis libis & leg. hominibus de com tno
tam de

Ratura

et de illis qui in prima iurat a fac quā in pro-
pria persona tua acced ad p̄d̄ terra et p̄ eorum
fortū diligent faciat inde inquisit. Et si ipsum
A. per p̄dictū B. de p̄dicta t̄ra interum inuolūte
discessitū inueniris tūc ipsū B. cap et in p̄senta
nta salua custod fac ita qd a p̄sona illa nullo
mō deliberer s̄i mādato nro spālī et spālī A. de
p̄d̄ terra relest. et dampna tua in duplum que
actione illius reddisistis sustinuit p̄ sacreū p̄dict.
xii. carari de terris et catallis p̄dicti B. in bal-
tua sine delať fieri. i. id. A. heť fac iuxta formā
statuti w. de huius reddisistis p̄mōt. Et p̄-
ter fac p̄fata B. quod inquisitione illi facient.
int̄ sic si tibi videre expedire Teste. &c.

Thys w̄rit lieth in case where a mā
is disseysed: and he hath recovered
by assyle, and is put in possession
by the w̄rite, and after that is disseysed
by the same disseysour, he shal haue this
w̄rit of Reddysseison agaynst him, and
that is gyuen by the Statute of Marton
Ca. iii. Which beginneth. Si quis dis-
s. &c. And by the Statute of Mark. Ca. viii.
which beginneth. Illa autē qui p̄stera-
ta disseyspn. &c. wher it is said, such per-
sons are not replenishable.

Addition.

If a man reconer in assyle against a
womā sole, and after she put hym out, &
take a husband, the w̄rit of Reddysseiso
shal not suppose that he hath reconered
against the husbāde & the wyle, but the
w̄rit of Reddysseison shal suppose & Red-
disseison

3n. 9

4.

bzenum.

Fol. criz.

disseynson to be made by the wyfe, whan
he was sole, and the husband shalbe na
med bycause of the maryage.

Note ye: that vpon a recover in assise
of frethfoze, a man shal not haue a writ
of Reddisseynson.

W. 14.

E. 2.

But it is thought y a man shall haue
a Reddisseynson, & poss disseynson in Londō
wher he recovereth by a writ of Ryght,
and maketh hys protestacion in nature
of assise, for ther is cozoners.

W. 14.

E. 2.

Note ye: that if I, recover an acre of
land D. by assise, to whiche there is a
comon in S. belōging, yf I, be disseyned
of the comō, I, shal haue a Reddisseynson.

W. 14.

E. 3.

A writ de Poss disseynson.

Rex vñ salutē. Mōstravit nobis A. quod
cū ipse i cur nra corā dilectis & fidelibus
nris. Et loc⁹ fuit Iustic. nris de banco
apud W. recuperasset sām suā vers⁹ E. & p. actis
terre cū prest in J. p cōsiderationē elu, de cur.
idē D. p̄fatu A. de p̄dicta terra poss modū
iniuste diss. Et ideo vt sup̄a sed non dicatur
tm de illa. qui in p̄ima curata fuer. q̄ de aliis
b̄sq̄ inter in poss modum iniuste. & c. vñ: sc̄per
dicat. poss dissia in loco dissie, vñ: Telle. & c.

A writ de
Poss diss.
is such.

Thys writte lieth as is ordeined by
the statute of Marton vpon a reco
uere in assise of Pouel disseynson, &
by y statute of West. ii. Ca. xvi. which
beginneth. In bzenib⁹ de Redd. & c. that
a mā y hath recovered by assise of Mort
daunce

Statute

dauncefour, or by other Jure, or by de-
fact, or by Keddiciō, or by any manner en-
quest. And if he be put out of the same te-
nemētes by the same pson agaynst whō
he hath reconered thā he shal haue a poss-
disseisō, & not a Kedisseyisō. Also yf these
tenauntes, bi Elegit, Statute Marchant
Statute of y Staple be disseised, they shal
haue a wryt of Kedisseyisō, but in case y
a man me disseise and after I reconer bi
assyle, & am put in possession, & the same
disseisour with another straūger put me
out of the same land, in thys case I shal
not haue a wryt of Kedisseyisō, for there
is a tenaunt of pcel, that was not pry in
the assyle, therefore I must haue a newe
assyle. And in case that the dysseysour be
disseised, & a wryt was brought agaynst
the second disseysour, he shal answer
of the damages, for hys own possession,
but y Statute of Glouc. Ca. i. speaketh not
but in case where y disseysour hath sold.
¶ And note ye: whan a man araigneth
assyle of Pouel disseison of a rēt charge,
it is conueniēt that al the tenants of the
tenemētes charged be named in y assyle
and al the land charged put in view, not
wrythstandyng that he was disseised but
by one tenaunt, but other wise is of rent
serupce. And note ye: that all assyles of
Pouel disseison. Nozdaucesfour that
goerh

brentam.

Fol. cxx.

goeth into the countre, are retournable
in the comen banke, & if the kinges bech
be in another countre than þe comon bāke
is, than al the assyles of þouel disseyson
shalbe afore the Justices of the banke, &
afore the king shalbe put a certeine daie
as vlsq ad die Junii in. xv. ec. but in the
Mortdauncestour comon day may a mā
have, as in other places, but in assyle of
þouel disseyson afore the Justices, and
afore the king, a man may put a day out
of the terme, as vlsq in diem Iouis Post
festū scē: Luce, & give day of. iiii. dayes
afore the king, and that wpll the Statute
Articuli sup cartas. Ca. xv. And in assise
of þouel disseyson a man ought not bou-
che no man if he be not named in þe wyrt
or be present in court whē he is bouched
but in a wyrt of Mortdauncestour a mā
may bouche at large.

Addition.

¶ If a mā recover lād by scit fac. by de. C. 15.
laue, if he be disseised by þe same mā after. D. 7.
ward he shal have a Post disseison as wel
as if it were in a Precept. quod reddat.

¶ If a mā recover land in value & after. An. 5.
is put out by the bouche the tenant shall. R. 2.
have a Post disseison vt patet per registru.

¶ A Wyrt de Documento. A wyrt de
R. Ex vica. lare Quest. et nobis a qd B. in norumeto
is such.
dam

Natura

ad hoc factum in N. ad Documentum tenet factum in
de villa, de no pater transt. &c. Et ideo tibi pe.
qd si pdictas J. feci te tenent. &c. tunc fac. m.
liberos et legales homines de vñ illo videre
hactenus illud vel bagnum illud et tibi & nolo
eorum in brevia. Et cum illos p. boni, &c. quod
sunt corā Justic. nostris ad pñ ass. cū in pñ
illos venerint parat fac. recogn. et pñ p. boni
et solnos plegios predictū is. vel bali. suū q. ip.
se inventus non fuerit: quod tunc sit sbr aut
illam recogn. Et habeas tibi sum nomina pleg.
et hoc breve. Testis. &c.

This wytte lieth where a man leueth
ech or maketh a house, and wal, or
gareure in his lande; or anye suche lyke
to the nuface of the trehold of his neigh-
bour, than he to whom the nuface hath
been made, shal haue the said wytt. And
also if he that made the nufance sell the
land wherof the nufance was made to a
straunger than the assise shalbe broughte
against both. s. against him that made
nufance, & against him to whom the lād
is solde, & that is gyven by the Statute of
Testim. ii. Ca. xxi. whych beyneth.
In quibus casibus. &c. before which sta-
tute assise of nuface did not lye, but ones
ly against him y made the nufance. And
the proces is, as in assise of Bovel dissel-
son. And note ye: that yf the nufance
be made in one countye & the tenement is
in another county, than the wytt shalbe
broughte in that county wher the nufance
was

was made. And also if the assise of novel
diss. be arreigned in one countie & of the
same tenementes another assise is arreig-
ned in another countie, a mā can pleade
nothyng but suffer both assises to passe,
and if they say both that these tenement-
es are in one countie, thā it is well, and
if they vary so that the one saye, that the
tenementes are in one countie, & the other
say that they are in an other countie, than
be ought to cause al the assises to come a
fore the kyng, & that was iudged. An. vi.
E. 3. betwixt Wycharde Clossforth, & Hen-
ry ffitz hugh. And note ye: that in many
cases assise of Pusanee lieth as it appe-
reth by these two verses.

¶ fōs. Magna, septem bis diuersi cursu aquar.
¶ Volunt assisam marcarum seria bancum.

CA wryte de Paruo noemento.

¶ Rex viē salut. Quertus est nobis J. & B. in-
tulle et sine iudicio leuauit quandam fabricā
in Rad noementū liberi tenet sui in eadē vil-
la post pñ. trāsse. &c. Et ideo tibi pñ. & loque-
rā suā audias et postea eū inde nulle dedit, fac.
et amptōa. &c. pro defectu iuste. Teste. &c.

A wryte de
Paruo no-
emento.
is suche.

Thys wrytte lyeth where a Wyllle, or
suche lyke is leuyed to the nuisance
of his neygghbour, he to whome the nu-
sance is made shall haue the sayd wryt,
and it is vicountille, and pleabable in
the countie. And this wrytte may be re-
mouable out of the countie into the co-

mon banks at the suyt of the pleyntife to
out cause in the wryt, & at the suit of the
tenannt with cause as in the Done de a
nertis repleg. And hereof may be made a
wryt of Execution of iudgement if nebe
be, but if he that made the nuisance dye a
foze the assyse purchased, than he to who
the nuisance was made, o2 his heyre shal
haue a wryt of *Quod permittat* agaynst
heire of him that made the nuisance. And
so a *Quod permittat* lyeth all tymes in place
of a wryt of *Entre* groinded, vpon dissey
son, o2 abatement, after the death of him
that made the nuisance. And note ye: that
there be other wryttes that are called li
tell wryttes of dysseyn that are vico
rsell, & pleadable in the countie afoze the
thyrise that ars. *De domo iniuste leuata*
bel prostrata & cōsimilibz, vt patet per re
gistrū, & what maner of nuisance are ple
dable i *h* cosit it appereth by these verses
¶ Fab, fur, porta, domus, vit gur mole
maris, ouile.

¶ Et ponis: tradatur hec vice comitibz.

Addicion.

¶ Two coperceners are seyled of a me
dow & a mylle, & they haue a way from *h*
myl vnto the water of *h* same myll ouer
the medowe, & they make ptycion so *h* the
myl is allotted to the one copcener and *h*
medowe to the other, & vpo the pattyction
it is

B. 27,
E. 3.

It is agreed, that he that hath the mylle
shal haue the way to the mil ouer the me
dow if the other to whom the medow is
allotted leue a ditch in þ medow wherby
he is put out of his way he shal haue as
sise, soz he may not haue þ pfit of þ myll
wout þ way, wherfoze thacorde is good
withouth wpyting, as rent reserued vpon
a particion without wpyting. ec.

¶ Fore ye: that yf a man oughte to re
pare a bydge, ouer which I haue a way
belongyng to my maner of Dale, & he þ
ought to repayze the bydge, make no re
paraciõ, wherby I cā not haue my way
I shal haue an accion vpon my case, and
not assise soz wher a mā ought to make a
thig & makes it not, I of his lathesse shal
not haue assise, but where a mā maketh
a thyng by maynour, oz leuyng oz esto
pyng, in suche case I shal haue assise. ec.
If a man be holden to scoure a dicke, that
the water may haue course, & he make it
not wherby my medow is sarrouden, I
shal haue a wzit of crespas, but if he stop
that, that is vnclesed I shal haue assise.

R Ex vñ saluam. Di. A. scilicet te te. tunc sum te. I wip de
xlii. legales hoines de villa de R. q sint co
tam Justic nris ap^o w. tali die, vt ad pumā ac
filiā te. parati sacro recognoscere si int p quas
quedā inquisiit nup cap^t fuit coram iustic. ap^o.
w. g. hette nostreum te. q fuit inter A. perend er
B. tunc falsā fecerūt sacrum sicut idē A. grauit
nobis

C. 11.

R. 4.

Attacta.
is luche.

Statute

Nobis cōqueris monstrauit. Et interim diliget
inquiras qui fuerūt iuratores, & quos indicio
capta fuit. Et eos habeas coram placitis Justic.
ad placitū terminū vel ad placitū assilam. Et si
p bonos cum prefat. S. & tūc sic ibi additur il-
lam recogni. Et habeas ibi cum nota predictos
cum hominū, et hoc bene. Certe. &c.

Thys wytte lyeth where an enquest
hath made a false verdyte whereof
they be attainted by this wytt they shall
haue suche payne. s. their medowes shal
be carped, and their houses pulled down
and their woddes destroyed, and al their
landes and goodes forfayted to the kyng
but if the wytt passe against him & byn-
geth the wytt he shalbe impyrloned and
greuouly rauſomed at the kynges plea-
sure. And the wytt is against y partie
Somonis, & relomonis. And agaynst the
pety Jurours, Menire facias, and a dy-
stres. And against y graūd Jurours. So-
mons, Habeas corpa, & distres. And in
how many maners a man may haue at-
taynte, loke the stat of West. i. ca. xxyvii
which beginneth. Pur ces q̄ ascū gentes
&c. that a man shal haue attainte in plea
of lande, or of a thing that toucheth free
holde. And now by the newe Statute of
An. i. C. 3. ca. vi. is ordeined the attaynte
shalbe graūted i a wytt of trespass, as wel
vpon y damages if they passe. xl. s. as vpon
y principal. And also the Statute made

An. i.

brensum.

Fol. cxxij.

An. i. E. 3. Ca. vii. that attaint is as well
in plee personal as in plee reall and to be
graunted to pooze men without fyne and
the Chaunceler hath power to graunt this
wryt without se wyng to the kyng. And
þ the iustices let not in no case of attaint
delay to take the attaynt for þ damages
not payed. And by þ stat made at West.
An. i. E. 3. cap. vii. in the end, a man shal
haue a wryt of Attaynte in plee of Tres-
pas moued afore Iustices that are of re-
corde wout wryt, if the damages iudged
passe. xl. s. And after by þ statut made in
the tyme of the same kyng. An. xxviii. ca.
viii. a wryt of attaint shalbe graunted al-
wel by þ a byl of trespass, as by þ a wryt of
Trespas, hauing no regarde to the qua-
ntite of the damages. And also þ attaynte
shalbe graunted to pooze men þ wil swere
that thei haue nothing wherof thei may
make fyne, sauing their couētenaunce w-
out fyne, as to other by a reasonable fin.
And by the stat of An. xxiii. E. 3. ca. vii.
And also by the stat of an. ix. R. 2. cap. iii.
is geuen þ he in the reuercion leuing his
tenat for terme of lyfe shal haue attaint.

¶ Addicion.

Note þe: that a wrytte of Centre was An. 18.
brought in Suffex, & the tenant pleaded E. 2.
the dede of the auncestour of the pleintif
made in London, whiche was denyed,

D. liij.

and

Natura

and found of the pleyntye in London, & upon that the tenaunt brought attaynte in London to somon. xxiij. and to attache these. xii. and another wyrt to the Writ of Sumner to attache the parte, wher the land was, & the wyrt that was directed to the Writs of London was challeged for that, & it is not copyesed in the wyrt that the party shalbe attached, & not allowable for in a newe case a newe remedy shalbe prouyded.

23. 31
23. 6.

¶ Attaynt was brought against J. S. as sonne & hette upon a false verdyt gyven betwixt the pleyntyl, & the father of the sayd J. S. in Writ of Redd, & the wyrt was challeged, for that, that it is not tried by the wyrt that he is tenaunt, & for that, that every attaint in him selfe is in mores, the writ ought to haue ben. Summe lache, and not allowed, for the wyrt shalbe brought against the father wout any sermons against hym, for that, & the lawe intendeth that the tenancy cometh in hym, & this accion is fourmed vpo the first recorde, & by y same reason it shalbe intended & it disceide to y hope, and that he is tenant, wherfore answer.

23. 22
23. 3.

¶ One y was vouched brought attaint against those y passed vpo a dede denied, & the wyrt will that one J. S. tenant vouched to warrant & the writ was abated.

for that, that the writ supposeth not that the bouche hath a warrant of the tenat by expresse wordes, yet it is supposed by these wordes, Plitando protulit that he hath a warrant, but that, that it shold be put in the writ by expresse wordes may not be maynteyned by supposell.

Note ye: that one may haue attaine, a writ of Error, & disceite afoze execution, for the myschyeffe that he wyll not sue execution vnto such tyme that the pettoure, or somoners & beluors be dede, and than to sue execution when he maye not haue the actions, and for this myschiese he shall haue them afoze execution. D. 27
C. 3.

If a writ be awarded to the thirise by defaulte to enqyre of wast, it is said that the parties shal haue their chalège afoze the thyrise and also attayne, if the Iure make a false verdit, q non credo. Quere. In. 10
D. 4.

Note ye: y no man shal haue attayne in appele of mayhem, nor in any other appele of felony, or of the death of a man. Quere.

Note ye: y if a man be inditement of trespass, and found gylty by another enquest, he shal not haue attaint, for that, y writt, hath founde him gylty, and bothe the verdytes agree. Nota

In trespass against. ii. y one appereth and is found gylty by one enquest, & the other by another enquest, be y was found gylty. D. 44.
C. 3.

gyley by the latter enquest shall haue at-
tayne notwithstanding that he is a stran-
ger to that, for that, that he is in damage
by that, for the first enquest shall take the
damage, & not the seconde enquest, & of
those damages he shall haue attaint.

E. 6.

D. 6.

Attayne was brought, & he assigned a
false verdict to be in. in things, where as
it appereth to the court that he hath been
cause of action, for the one, & by the ad-
uise of all the Justices, it was holden,
the party shall be barred of that, and the
remenaunt to stande in his force.

E. 11.

D. 4.

The Judgement in attayne is whā it
is founde for the pleyntiffe, that the ver-
dict is false, the Judgement rehereth the
poyntes, &c. we a swaue that the pleynt-
iffe shall haue agayne his lande & those
damages that he lost in the attaye, & the
profices had in the meane tyme and that
the tenant shall be taken, & the petit jury
shall lose fre lawe, & their goodes sozlay-
red, & their tenementes destroyed, and
their landes & tenementes seyled & they
medowes apyed, & their wodes destroyed
their wyues & infantes of their honours
put out, and that they shall be taken.

A wyrt of Certific. none disseisine.

I wyte de
certific. no
ne disseisin
is such.

Rei vñ salutē. Quia sup quibusdam articulis
none disseisine contingentibus inter A. et B.
cum fuit et caput apud A. p. breue nostrum coram
iudicibus et fidelibus nostris B. et C. de testibus
quidam

quidā sublatū dubitationes sicut argueret ip-
sus J. accepim⁹, p̄stitimus p̄fatos h. et R. iu-
dic. nostros vna cum illis, quos sibi a soc. ad
certificationē super articulis p̄dictis capiend.
Et idco tibi p̄ter. q̄ ad certos die et locū quos
videm⁹ h. et R. tibi Scire fac. iuratores illius
ad la. copā etc. Mente fac. ad certifiand. super
articulis p̄dictis. Et si p̄ bonos sum p̄dicti J.
q̄ cūc sic sibi audire illam certific. Et habeas
illam nōna iurat et hoc breuē. sc.

This writte lyeth where assyle is
brought against a man, and he an
swere, or p̄p̄se, & the p̄p̄ly con-
mithe into the Courte excusinge the ab-
sence of his maner, & p̄p̄se in abate-
ment of the writte or layeth no wryng, ne
p̄p̄se, for he maye not p̄p̄se any re-
leue, or wryng, in warre of action, thā
the tenant losse in his absence by assyle
yf he hath any releue, or other wrytting
that wyl make for hym he may come a-
foze the same Justices, afoze whom the
assyle was taken & shew his ryght by re-
leue, or other wrytting, & yf the iustices
may se y the pleyntyle in y assyle myght
haue ben excluded of assyle, yf the said re-
leue, or wrytting had bene shewed afoze
the iudgement in the assyle giuen, thā the
same Justices shal sed a Scit fac. to the
shyff of the countie where the assyle was
arreigned, that he warne the party that
syll recovered to be afoze them at a cer-
teyn day. And also that he shal cause the
syll

Statute
first Jurours to come y was first sworn
in assise, & thā yf it may be found by ver-
dict of the Jurours oꝝ by Incolment,
the sayd writings are true, that he that
purchased the said assise shall yelde dou-
ble damages, as it appereth bi the Statute
of West. ii. Ca. xrb. whiche begynneth
Quia non est aliud bre. &c. And in case y
the Justices oꝝ any of them afore whom
the sayd assise was fyrst taken oꝝ be
remoued, than y party if he haue an re-
lesse, as afore is sayd may haue the sayd
certificacion, whiche shalbe patent dy-
rected to the newe Justices rehersynge
al doubtis touchynge the assise that was
take afore y fyrst Justices commaundyng
them that they take the said certificaci-
on at a certeyne day & place, and ouer that a
Precepte dyrected to the Shypp of y same
countie, that he somon the same party that
fyrst recovered. And also that he cause y
fyrst Jurours of the assise to come afore
the sayd newe Justices at a certeyne day
& place; to certify the sayd Justices of y
sayd doubtis as it appereth by y regystrer.
And also this certificacion may be take
in the hynges benche, oꝝ in the common
place, & thā no patent shalbe made as is
in assise of Novel disse. by which certifi-
cacion, aswel in the one case as in the o-
ther, the Judgemente shalbe reuerled, &

In case that the party be warned, & come
not at the day assigned, he shall lose the
lande by defaulte. And yf he come at the
deire facias, the plee shal passe betwixt
them; & yf he that recovered by assyse ca
nothyng say against the relese, then the
tenant that lost by the assyse shal reco
uer. And the 12th places is against the Ju
rors a Venire facias, habeas corpo
r & distres infinite, but this writ lieth but
where it may be found by recozd, & by p
rolles, thā thenquest that passed in assise
speake nothyng, nor made mencion of the
relese, or other wyrtynge in theyr ver
dyt, but yf thenquest make mencio of the
relese, or of theyr wyrtynge, & they giue
false verdit not withstanding the relese
than the party agaynst whō they passed
may haue attaint again p jurors. And
yf the Justices geue false Judgemente
wher these Jurors made mencio of the
relese, & putteth theyr verdit vpon the iu
gement of the Justices, and that may be
found, than the sayd party may haue a
wyrt of Errour, & the iudgement shalbe
reuerled. And yf it be founde that the re
lese is good, the party shal recouer, & if
not the other shal hold in peace, & that is
gyuen by the statute of West. ii. Ca. xxi
which beginneth. Nulla non est aliquod
breue. &c. And in case that p assyse passe
in ab.

Statute

in absence of the party, & after the party cometh, & shewe to the Justices any release as is aforesaid, & the Justices delat to do after the sayd statute, thā the party may haue a writ dyrected to þ same Justices, in which writt þ said statute shal be reherled, cōmandyng the that byon the syght of þ sayd writt that they make ful Justice to the foresayde partye, as it appereth by the Register. And this writt in this case shalbe in place of a certificaciō. And note ye: that by the same Statute if the party defendant in assise of Bond disseyson alledge in delaye of the party pleyntif, that assise another tyme passed betwixt the same ptyes of the same lād or that the sayd party pleyntif was nonsuit in a writt of higher nature hanging betwixt them of the same tenement, or if the sayd pleyntif was nonsuit in such lyke writt, & profereth to verpyse that of record, in this case if the same pty saye at his day of the record, he shalbe induged as disseysour, wout cryal of þ assise, & assise take in the right of þ damages. &c.

Addicion.

¶ If a recouere be in assise, & after the tenant in the assise sue a certificaciō by on a dede and a Scire facias against the partye that recovered to be at a certein day, &c. and a Venire facias in the same writt

3. 12.

3. 4.

breuitum.

Fol. cxxviii.

wyrt against the. xii. Jurours that was
sworne in the assise, & the thirise retour-
ned & two of the Jurours are dead, quere
yf he shal haue a certification oꝝ not: for
that, & the statute is, that it shalbe tryed
by the fyrst Jurours, but not by all the
Jurours, and it was sayd that ther was
a certificaciō at the comō lawe afoze the
iudgemēt giuen yf the matter be vpon a
wede bearing date in a sozeyne county,
it shalbe tryed by other, and not by the
fyrst Jurours. xii. v. lili.

A wyrt de Assisa mortis
antecessoris.

Euer.

A wyrt de
Assisa mor-
tis attello-
ris is
such.

R Ex hic. salutē. Si A fecerit te. & tūc sum
te. xii. liberos & legales hoīes de vīn de A
qd. sint eoꝝ. & tali die. & vati sacē to re-
cognoscere. Si B. sen pater p̄dicti A. fuit sit
in vīno suo: vt de feodo de vno mē cū p̄tū in
die quō obiit. Et si obiit post coronationē
vni h. fil regis Johis. &c. Et si idē A p̄opin-
quor heris eius sit. Et iterim p̄dictū mē vī-
uant et noīa eoꝝ in hēulā fac. Et sum p̄bo-
nos sum p̄dictū B. q mē p̄dict tenet q tūc sit
in illam recogn. Et habeas tbi sum et hoc
vīne. Teste. &c.

T Hys wyrt lyeth where my father,
Mother, Brother, syster, Uncle, oꝝ
Aunt died seyled of landes oꝝ tene-
mentes, oꝝ of rent, that they haue in fee
simple, and a straunge abbate, than I
am next heir shal haue this wyrt against
the abbatour oꝝ against whosoever that
is in

Proces

Statuta

is in possession, after the death of my
auncetour. And þ proces is in thys wyse
as it is in a Juris verum. And note ye
if an Infant be in warde of his lord, and
after he cometh at hys ful age, the lord
wyl not yelde to hym his lande withou
plee, thā the Infant shal haue thys wyse
and that is gyuen by the Statute of Mar.
Ca. xvi. which beginneth. Si heres ali
qs. &c. but yf he be of full age after þ death
of his auncetour, & is in his heritage, &
known for heyre, & the lord entre by
the heyre, & holde him out than he shal
haue the forsayd wyse, & recover dam
ges, as in assise of Novel disseisin. And
note ye: þ by the Statute of Glouc. Ca. vi.
it is ordeind, that yf a man dye seyled of
certeine landes or tenementes in Fee
ple and hath many heyres, wherof one is
sonne, doughter, brother, syster, neue
or nece, & the other be in moze longe
gre, yf a stranger abate, all those heyres
togither shal haue the forsayd wyse
yf the heyres be not one of the abouen
med, they are put to theyr wyse of Ayle
or Colynag as theyr caselwerth. And no
ye: that yf an Infant purchase a wyse of
Mortuaceitour, he ought to find no sac
ty, & for that he shal not say in this wyse
Si talis fecerit secur. &c. And note ye:
Statute of Westm. i. Ca. xxi. which be
gynneth

hzenlum.

Fol. cxxviii.

gynneth. Des heras maries. ec. that if a
ni lozde with holde these heires females
unto. xvi. yere vnmарyed, because of co-
neculnes of h lande, than the heyze may
recouer her heritage by h sozefayd wzyt
of Wozd. And note ye: that a man maye
haue a certificacyon & associacion to the
sayd wzytte.

Addicion.

Note ye: that a wzytte of Wozdham, P.16.
cestour was of a comō sourme. In domi C.2.
nico suo vt de seodo die quo obiit: and h
tenant sayd that his aūcestour of whose
derhe he bzyngeth thys wzyt went ouer
the sea toward saynt James, the which
aūcestour is not yet come againe, ther
foze the wzyt shal save. Die quo iter. ec.
wherfoze the wzyt was a bated, & the de-
mandant wold haue auerred the death
of hys aūcestour, & could not be recep-
ued, soz that, that another wzyt is gyue
in the case.

The wzyt of Wozd was Sum. rii. ec. P.16.
de billa bill de Dale. ec. parati ec. si obiit C.3.
fessicus de octo pedibus terre in lōgitu-
dine, et vi. in latitudine, & duabus parti-
bus vniuis mesuag. & meditatē ptiū vni-
us mesuag. in villa de Dale. ec. interim
mess. terras & tenementa videant. And h
wzyt was chalenged: soz that it was. De
octo pedibus, ec. soz it oughte to be of a
place

place the cōteyneth so much, so the principal demaunde shalbe of the place, and not of so many footes, and also the wryt oughte to be, that these .xii. of the assise oughte to be of the same beynewe wher the demasid is made, & now is the one of the beynewe of the towne of Dale, to some the Jurours, & the second is in the towne of Dale, & also in the demaund, the land is first in demaund, & after the mesuage. &c. and in the clause to make the beynewe the mesuage is first named, but by exception was not allowed as to the fyrst challenge, for a man shal not haue a wryt to demaunde a place that is not certaine, & as to the second point the fourme of the wryt is such and may not be intended in uers townes, & as to the thyrde point, it is hole in the demaunde shalbe fyrst named, and than the halfe, but whan the beynewe oughte to be made and the hole mesuage to be put in vew to the fourme is to put the mesuage afore the lade & a wryt of another fourme mai he not haue wherfore the wryt was awarded good.

W.7.
C.3.

¶ In assise of Mortuancefour, yf the tenant pleade a feoffment of the aunccestour of the demaundant in barre he ought to traaverse the dyentge seysed, but yf he pleade a recouere, or a fynne leuyed by the aunccestour, he ought not traaverse

the dyenge seyled, for that, that the de-
mandant is stopped to save against the
recorde that he died seyled without shew-
ing how, after the recouere.

In a lise of Wozd, the tenant plead-
ed a recouere in a lise had agaynst the
pleyntife self, and for that, that this dis-
proues the estate that the pleyntife hath
after the death of his auncestour the opi-
nio of the court was that it is no barre.

A. was indited of felony, and one D. B. 37
as accessary, & vppon the cape the shirif re- C. 3.
torned that A. non potest inuenire, and
that the said D. was taken, & he pleaded
not gylty, and he was found gyltye, and
hanged, & the lozde by Eschept entred, &
after the sayd A. was taken, & brought to
the barre, & after was founde not gylty,
& the heire of the sayd D. brought assyle
of Wozdauncestour agaynst the lozde by
Eschept, & shewed al this matter, & after
was alwarded that the sayd heire should
recouere seyson of the land: for that, that
if the sayd D. were on lyue, that he shuld
be acquited by the acquytall of the sayde
A. and that he can be no accessary of felo-
ny whan there is none.

Rece. salutē. p̄ter. A. q̄ iuste ē. reddat B. h̄
nom̄ meū. cū p̄iū in p̄. et aduocacionē. et
alle eiū de ville de quibz. C. auis p̄iū B.
quus heres ipse est fuit situs in domico suo.

A wypte de
auo is such

Natura

de de frodo die quo obijt, ut dic. Et nisi fecerit
 predictus B. fec. de fecit. sc. tunc sum. sc. Et ha
 beas. sc. Teste. sc.

This wyrtte lyeth where my graund
 father dyed seyled of lande, tenement
 or of rent in fee symple and a straunger
 doth abate, that I shal haue against him
 this wyrt, or against his heire, or his a
 liene, or against whosoener that cometh
 to the sayd landes & tenementes in what
 maner soener he is in. And in y same ma
 ner lieth a wyrtte of Cosynage, that is to
 say where my graundfathers father, or
 my great graundfathers father, or other
 Colyne, and so to the. ii. degree that dyed
 seyled in fee symple, & a straunger entre,
 I shal haue a wyrt of Cosynage, and not
 a wyrt of Ayle: for that, that it passeth y
 wyrt of Aile. And note ye: that a wyrt of
 Colynage lyeth in the discrēt linal. And
 it is to knowe that the lynyal discent is
 fro the father to the sonne, but if y lande
 dyscend fro the sonne in the vncles sonne
 vpon abatement, he shall haue a wyrt of
 Cosynage. And note ye: that Ayle of no
 uel disceyson, Mordantour, Ayle, Co
 synage & Ruper obijt are onely wyrttes
 of possession, & ndr myrt with the ryght,
 but Ayle of Bonell dysceyson is of hye
 owne possession. And the other are of the
 possession of the auncestour to whom he
 is next

b2 entum.

Fol. crrr.

is next heyre. And note ye: y a man shall
recover no damages in the sayd wyttes
but in those that damages are given by
statute, or by the comon law, & of dama-
ges. Loke in the statute of Glocest. cap. 1
And the proces is in this wyte, Somos,
grand Cape, et petit Cape, &c.

P. 1011.

Addicion.

A general wyte of Ayle was brought
and it was challenged: soz that, that his
sunncestour died not in Englad, but toke
his Journey towarde the holy land, and
came not agayne, in which case he shall
have a like wyte as he should have in as-
syle of Mordaucestour, but that excep-
tio was not allowed, soz it hath not bene
lene in a wyte of Ayle.

B. 13.
C. 3.

The wyte of Ayle was P. 1011. quod
terra bnam bonatam terre & vitam bona-
tam Marrelei and the wyte was abated
soz that, that the organge is always of
a thing that lyeth in agaynour.

B. 3.
C. 3.

In a wyte of Ayle, a release was plea-
ded of the same grandfather with a war-
rantie, and the opinion of the court was
that, & was no barre, except he say wout
war, y he died seyled, & so it was pleded.

B. 13.
B. 4.

A wyte de Super obitu.

Ret ble. salute. Si A. fec. te re. tunc sum, &c. B. A wyte de
p. sit coram Justic. nile, &c. tali die ostendit qua
et defoit. stat A. rationabile prem sum que et is luche.

B. 11.

contingit

Parua

contingit de hereditate, q fuit J. de p. patris
fui filis, sororis, aut; aut; annunculi, omittit con-
sanguine predictorum J. et B. cuius heredes
ipsi sunt. Et que nup obit ut dic. Et habeas it
Certe. etc.

Proces.

This wrytte lieth where a man hath
many heyres that shall equally en-
herite, as manye daughters oz sonnes
(yf it be in Kent) and dyed seyled of cer-
taine landes oz tenementes holden in fee
simple, if any of these coheyres enter in-
to the lande & holde these other out, than
these that are holden oute shall haue the
said writ against the coheyre that is in.
And the Proces is, as in a wryt of Ayle.
And note ye: that a wryt of Super obit
and a wryt of Ryght de Rōnabile parte,
lyeth alwayes betwene pyntes of blood
but a wryt of Mortuanceffout, Collinage
and a wrytte of Ayle lyeth alwayes a-
gainst a straunger. Note ye: yf anye
be defozced of their reasonable parte,
he haueyth to be brought by all those, that
are defozced, & not by one of them; for all
be it, y these other wyll not sue for theyr
reasonable parte, the shal bring this writ
and all their names that are defozced,
this wryt shalbe retournable, and if they
wil not sue, he that wyl, shal haue a writ
called Sumonias ad sequendū simul, and
if they come not at this wryt, the other
that wyl sue shalbe receyued to sue, & to
pleade

plead against his persone y is deforsour
in right of his part, & that have indigent
and reparation for her portion. Note ye
that this is so; it shall be brought by coheire
against coheire, and not otherwise for if
any other aunccestour entre, & clayme by
the same discet that I clayme by, I shall
not recover against him by the same wyse
nor other wyse, but once upon him. And
if he put me one, I shall have ayle of po
uel disceyson, or a wyse of Ryght, for a
yle of Mortdauncestron I may not have
against my Colyn that claimeth by the
same discet that I clayme by, for a wyse
of Mortdauncestron with never barwyre
prynces of blood. And the wyse of Ryght
that is brought against the Colyne that
claimeth by lapa, shall not be determined
as other wyse of Ryght, that is to saye,
by battaile or by grand Ayle, but by en
quest that is in the place of the ground
ayle: for that, that the right is not to be
tryed, but only by prynces of bloude, y is
to say which of the are more nere of blou
to the aunccestour that was last seyled a
one that they are passed the third degree
where they ought clayme by one dyscent
but that sayll lyeth not betwixte systers,
where one is seyled by Chartour, & the
other by discet, as it appereth in Magna
Carta de assisa eligenda. Note ye: yf any

Stranger abate after the death of any com-
mon auncellour al these coheppes together
shall have their recovery agayn
Stranger as one sole heyr that have by
a way of Port auncellour.

Addicion. In a Super obist after that, that the
tenancie hath defended the warden of the
court, & the right of the demandant, and
free ma. be alledged that he was a billesp.
whereby writ is abated. And note ye that
a writ is abated by perceptib of villenage,
the writ lieth not against p lord of the vil-
lage, if the villain be not named, to here
lord is not seised by entree, for the lord
shall not be tenant against his will.

A writ de Decies tantum.

69.15
12.3.

A writ de
Decies tan-
tu is such.

Regis salutem. Nos a. sec. re. servat. re. nos
post. re. C. D. A. C. re. qd. sine re. talis die
respond. to. vobis q. prefat. A. quare co-
pactameto dñi. C. nup. Regis Anglie. p. exco-
m. ap. west. in. regni sui. ex. vili. cent. in. re-
ra. t. d. o. d. at. ex. l. a. h. q. n. aliquis. l. u. a. c. o. r. a. l.
in. d. e. t. o. de. al. i. b. in. q. u. i. l. l. i. c. i. o. n. i. b. r. a. p. t. a. b. u. m. i. n. a.
et. p. a. r. t. e. v. e. l. p. a. r. t. e. s. p. a. r. t. e. q. u. i. c. q. c. a. p. i. a. t. p. i. n. a.
v. e. l. p. a. l. l. o. s. a. p. t. e. c. o. n. q. u. e. r. e. t. v. e. l. d. e. l. e. d. a. t. e. p. i. n. a.
d. i. c. t. o. l. u. o. d. i. c. e. d. e. t. l. u. g. h. o. r. p. p. r. e. s. s. i. m. q. u. i. b. u. s.
a. r. t. i. c. u. l. s. d. e. i. n. r. a. t. i. o. n. i. b. u. s. A. n. r. e. g. n. i. s. u. i. 14. fac.
o. r. d. i. n. a. t. u. r. c. o. n. e. m. a. t. l. i. n. e. s. i. t. a. d. f. e. r. t. a. g. r. i. o. n. e. s.
s. e. i. p. s. o. a. n. i. p. r. o. n. o. b. i. s. a. n. t. a. l. l. e. r. t. u. s. v. i. n. d. i. c. t. u. n. g.
s. o. n. e. p. l. e. q. u. i. v. o. l. u. n. t. e. s. s. a. l. i. s. s. i. m. i. l. i. t. (s. e. i. l. l. o. r. u. m.)
d. e. c. e. p. t. i. s. q. u. a. n. t. u. m. i. p. s. e. r. e. p. i. t. e. t. h. a. b. e. a. t. n. i. s. q. u. i.
f. a. c. f. e. c. t. a. s. u. a. m. e. d. i. e. t. a. t. e. e. r. n. o. n. a. l. l. o. n. g. E. t. g. r. a. n. t.

Fol. cxxxi.

Thys wytte lyeth where Jurours
hath taken gold or syluer of the one
party or of the other to save their verdit,
an by this wyte they shall pay .x. times
as much as they did receiue, and the par-
ty that sueth shal haue the halfe, and the
other the other halfe. And those Embra-
ceours y procureth suche enquestes and
taketh mony, they shalbe punished in y
same maner, or if these Jurours or Em-
braceours haue not whereof they maye
make gree, they shal haue imprisonment
of a yere, but no Justices by thys offyce
shall enquire vpon the sayd pointes, but
only at the suit of the party, & thys re-
K. iij. couere

Proces.

Natura
concrete is given by the Statute de An-
xiii. C. iii. Cap. viii. And the proces is
Attachement and distrelle.

Q. 35
Q. 6

Addition.

In this accion populer, the defendanc
pledged a recover in an other accion po-
puler, that was brought agaisst hym by a
straunger, and acquitaunce made to hym
by the straüger, & plentyfse may auerre
acquitaunce to be made by collusion.

Quere.
What perr.

In a Decies tantum, iudgement of
writ was demanded: for that, that the
writ was, in loquela q̄ suit inter J. P.
demandant et J. C. de fore p̄ hene nō
de iudicio de vna mesua. where he ought
to shewe by what writ of iudgement: for
that, that there is diuers wryttes of iud-
gement, as a Scire facias to execute a
fyne, or a iudgement, for if the defendanc
wyl say, that there is no such recouerie,
this p̄ue is not certayne, for the reco-
uer is not alleged certein, not withstan-
ding the writ was awarded god, for that
that he hath put the certente of the land
in the writ. And in suche a writ it is suf-
ficient to say, In quadā loquela r̄ algr̄
tionis vel debiti, without moze, and yet
the Trespas is not certayne.

Q. 17.
Q. 2

Note yet that in a Decies tantum and
other accions grounded vpo the Statute
gyueth to the party that will sue the one
half.

brenium.

Fol. cccc. lxxi.

halfe, & the kyng the other, yf the partie
beginne his suyte, that y was populer
to made his proper suyt, & the kyng: noz
none other pson may not release noz dis
pence, as to hys interest, & the acquytall
or condempnacion of the partie is a barre
and a discharge against al other people,
but befoze the accyon begonne, the kyng
may release or pardon, and that shalbe a
barre agaynst all people, & y was graū
ted by all the court.

¶ In a Decies tū agaynst the Embra
cours, the plentife ought to shew how
they embraced, and wher the embracement
was made, & how he toke money, & how
he sayd to the Jurys, & Dabp said, thogh
that they take money, and make no Em
bracerte the acciō lyeth not agaynst the
but other wyse is of a Jurie, if they take
money to say they berdit, yf y party be
not suyt y accyon lyeth very wel agaynst
the: for that, y whē they are swozne they
are Judges.

C. 37.
D. 6.

¶ And note ye: yf y furours gyne attue
heroyt notwithstanding, that yf they take
money to say they berdit, the shalbe pu
nished by this wyse.

D. 21.
D. 6.

¶ A wyse of Decies tanch was brought
agaynst certeyne persons for takinge of
money in assyle brought by the plentife
in this wyse, and his wyse, and excepciō
was

C. 40.
C. 3.

was taken for that, that h wyte was not
 named with her husband in this wyte
 that exceptio was not allowed for this
 wyte is not given by reason of h tena-
 tye, as maynt of Chappary is, but it is
 to puny the the Juyte for the rabyng of
 the moneye to h thynge of the same

C. 14.
 C. 3.

In a Decies en the verdit was founde
 agaynst the Jurours, in this accio h Ju-
 rours were awarded to ppyson, & it was
 awarded that the kyng & the partie shal
 recover .x. tymes to the valure. &c. as the
 statut wyl. &c. And that the kyng shal
 have the one halfe & the partie the other
 halfe, & the Jurours shal pfer that, that
 belongeth to the partie in the court, and
 it was sayd that the kyng is pyncipal
 for it is given by the statute that he shal
 wyl sue for the kyng, the kyng hath gi-
 ven hym advantage to have the halfe of
 that, that shalbe recovered, & it was an-
 swered that h kyng taketh not his luyt
 as of det due, but by way of a fyne, and
 there where the kyng ought to take a
 fyne, h ppe shalbe alwayes fyrt served
 wherfore they payed the halfe to h plei-
 tye, & found luerly to the kyng. &c. And
 thā they were delivred out of h ppyson.

A wyte de Quare elecit infra terminū
 Quare ele R. ex. bñ salute. Et A. recess. &c. etc. cum B. &
 sic lra ter : Et, et. tali die ostens quare de sepe ppetat
 Dr. 2.

Fol. cxxxiif.

**Estimate for
Curb.**

1990

30 2000

Admission.

19.
6.

P.3.
C.14
PA.18.
C.2

be

he hath nothing of y^e sale of A. & he was
put frō that ples, soz yf it be founde syn
A. had sold it, yet the putting out is not
found, wherfore he saib, that A. hath no
thyng in demeane, reuercio, nor in ser
uice at the time that he sold the land to
B. & y^e was not allowed, soz he oughte
to answer to y^e putting out, wherfore he
saib y^e he doo not put him out by the rea
son of y^e sale of A. &c. And note in y^e same
ples yf he in the reuercion release to the
disseisor, this writ of Quare electi fra
terminam lyeth agaynst the disseisor.
¶ And note y^e a man shall not haue this
wryt except y^e he haue possession in dede.

¶ A wryt be Electione firme.

A wryt de
Electione
firme is
such.

Rex vic. salutē. Si. J. sit. &c. the p̄m. 11.
B. quod sit. &c. tolli die. ostendit quare die
... armis in maneris de J. quod A. prefato
J. demisit ad terminū p̄ano J. a nono p̄sens
intenuit. et domū et catalla eiusdē J. ad valent.
p. li. in eod. manerio inueniē cepit. et asporter.
Et ipsū J. a firma sua p̄dicta electit et alia
enormia et intuli ad gr̄atū d̄pnū ipsius. J. et
contra pacem nostram. Et habeam ibi nomina
plē et hoc bynde. Teste. &c.

This wryt lyeth in case where lan
des or tenementes are let to a man
for terme of yeres withyn whiche
terme a stranger of his owne wronge
put out the sayd tenant, the the sayd ser
mont shal haue the sayd wryt agaynst y^e
stranger.

bzeutum.

fo. crrrb.

stranger. And the proces is as in a wyrt proces.
of Trespas; for in this wyrt shalbe sup-
posed that the tenant was put out with
force and armes.

Addicion.

Note pe: that this wyrt of Eleccion D. 6.
firme is but in the nature of an acciō of B. 2.
trespas, & the pleyntife shal not recouer
hys terme that is to come but damages;
but he shal recouer hys terme by a wyrt
of Couenaunt agaynst his lessour.

Note pe: that executors broughte a C. 7.
wyrt of Eleccion firme & declared that D. 4.
they testatour was put out, and h wyrt
was good. Quere.

A wyrt de Ingressu ad terminum
nam qui preterit.

R. Ex vīc salutē p̄tē d. q̄ iuste. r. redd. B. vñ
mēsnaq̄ cū p̄tē in R. q̄ idē d. dimittē ad ter-
minū qui p̄terit de dīc. Et nisi. r. et p̄dict. B.
līc. se secut. r. tūc sum. r. p̄dictū d. q̄ sit co-
ram. r. talis die ostēdat quare non fecerit. Et
habens ibi factū. et hoc bene. Teste. r.

A wyrt de
ingressu ad
terminum
qui preterit
it is such.

This wyrt lieth wher lands or tene-
mentes are let to a man for terme of
yeres, and the tenant holde ouer hys
terme, than the lessour shall haue thys
wyrt, but in place of this wyrtre he may
haue assyse of Douel disseyson if it be in
the fyrst degre (that is to say) if h lessour
entre after h terme ended, & the lessee en-
tre agayne & put him out, than lyeth the
assyse. And also it lieth in case where lan-

des or

des oꝝ tenementes aꝝ let foꝝ terme of
 ſtrañgers lyfe, and the ſtrañger dyed,
 the leſſee holdeth ouer his term, than the
 leſſour ſhal haue the ſaid wꝛyt oꝝ he may
 entre as afoꝛe is ſayd. And in caſe that
 tenant foꝝ terme of lyfe ſel the lande and
 dyed, than he in the reuerſion ſhal haue
 the ſaid wꝛyt. And in caſe that the tenant
 foꝝ terme of lyfe be Impleaded, and the
 lande be recovered agaynſt hym, & dyed,
 than he in the reuerſion ſhal haue the
 ſayd wꝛyt in the poſt. And note ye: if the
 reuerſion of a tenaunt foꝝ terme of lyfe
 be grañted to a man and the tenant foꝝ
 terme of lyfe make feoffement, & dyeth.
 It is ſayd that he to who the reuerſion
 is grañted, noꝝ his heyr may not haue
 ſayd wꝛyt: foꝝ that, & he is a purchaſour
 of the reuerſion, & not leſſour noꝝ heyr
 to the leſſour. And not ye: that this wꝛyt
 lyeth not foꝝ hym in the reuerſion after
 the death of the tenant in dower, oꝝ by
 courteſy, foꝝ they ar not tenātes foꝝ lyfe
 by leaſe, but by the lawe. But yf tenant
 foꝝ yeres, oꝝ the Garden by knights ſer-
 uyces ſel, than the leſſour oꝝ the Infant
 ſhal haue aſſyſe of Houel dyſceyſon, and
 not thys wꝛyt, as it appereth by & Statut
 of Wilem, ſt. Cap. xrb. which begynneth
 Quid nō eſt aliud breue. ec. And the pro-
 ces is in thys wꝛyt, & all other wꝛyts of
 Entre

bzeutum.

fo. cxxxvi.

Entre graunde Cape, & petit Cape. And note ye; that this wyrt of Entre may be made in the per Cui, et post as a wyrt of Entre oꝝ dysseylon. And note ye; that in every wyrt of Entre in the post, the wyrt shal say Quod vnde querit. &c. & in no o- ther wyrtte within the degrees. And also in every wyrt of Entre where a man de maundeth of the possession of hys aun- cestour, he ought demaunde by title: quod clamat esse ius. &c. but of his own posses- sion he shall make no tittle. Except it be wher the woman demaundeth her hery- tage: oꝝ marpage that was solde by her husbunde, oꝝ her dower of her fyrst hus- bande solde by the second husbunde.

Addicion.

A man made a feoffment of hys land by Chartour, which was delivered into an indifferent mans hand vpon such co- dicio that yf he paye. xx. li. to the feoffee at suche a daye, that he may entre in his land, & that the Chartour to him be rede- lyuered, yf not. &c. in this case yf the feof- four pay the mony at the day assigned, & the feoffee holde the lāde after the day, & obdeyne the dede, the feoffour shall haue the laid wyrt & after þ mony to be payed.

The husbunde & the wyfe let lands to one for terme of yeres, þ husbunde dyeth and the lesse held after his terme, & dyed, after

fo. 18.

c. 3.

An. 8.

fo. 2.

3c. canē.

after whose deathe & some of & lesser ch
treth, & the wyse byngeth the sayd w
supposyng & he hath no entre but by his
father to who the let for terme of yeaes
that is past, the tenant sayeth that he
husband & she made lease ioyntlye, & not
the only. &c. and that the might not dem
wherfoze the wyte abated, and no other
maner of wyte the may haue.

C. 20.

C. 3.

C If an Abbot that is person in pson let
land for terme of yeres, & is of the ryght
of hys church & dyed, & the lessee hold
after his term, his successor shall not haue
the sayd wyte though that al be annexed
to his abate, & for that, & hys successor
in suche a wyte ought claime his land in
the ryght of hys church that he holdeth
as pson, in whych case he hath no other
remedy by the statute but a Juris vici
wherfoze his wyte abated.

C A wyte de Ingressu dum non
fuit compos mentis.

A wyte de
ingressu dum
non fuit co
pos mentis
is such,

R Ex vlt. salutē. Dicit A. q. iuste & sine dila
:: ne redd. B. dñi mel. cū pñ in pñ. q. clauit
elle ius et hereditate sua: et q. idē A. non habet
ingressu nisi p. C. patrē pñ dñi cuius heres
est qui illud ei dimisit. dñi nō fuit compos men
tis sue: vt dñi. Et nisi fecerit. &c. Ceste. &c.

T Hys wyte lieth wher a mā seller the
lande or tenement, whan he is out
of his minde, & died, thā his heyre
after

after his death shall haue this wryt. And note ye: that it is sayd that the auncellour selfe shall not haue this wryt: for that, y he shall neuer be receyued to disable him selfe. Quere. And note ye: that this wryt Quere. may be made in the per Cui, et post. as other wryttes of Centre. And the Proces Proces. is Somo, graund Cape, and petit Cape.

Addicion.

In this wryt it was supposed, that y C. 18. tenac hath no etre but by his auncellour C. 3. that demysed to the tenant. The tenant sayd that he entred by one B. and not by his auncellour and that was holden no plee, for he ought to trauers the demise, & not y entre, wherfore he sayd that he entred by B. wout that, y his auncellour let

Note ye: that in this wryt of Dū non H. 12, suit copos mētis, omisiō of discēt of him C. 2, that myght tende the estate of the party of the demaundant, shal not abate wryt though that he surtue him of whose seison he demaundeth, excepte that he was seyled, or had released, or had made felony: or had pssue in ful lyfe.

Note ye: that if one beyng out of his C. 12. minde make a seoffemēt in fee, after his C. 3. death his heire may entre, for the pssue An. 36, was take bpō y beyng out of his minde. H. 6

CA wryt de Ingressu domi sui infra etatem.

S. j.

Her

A wytt de
Ingressu
dū fuit in-
fra etatem
is luche.

Natura
Res hic. salutem. Spec. 2. q. iasse. et. pedd. B.
qui plene etatis est: ut dic. duas acras terre
cum perit in A. quas idem B. et dimisit dum
infra etatem fuit: ut dic. Et nisi fecerit et. C.
de. re.

12. E. 4. 16

Thys wytte lyeth where one beyng
withyn age selleth his lande to hym
descended, or of his own purchase in fee,
or for terme of lyfe, when he cometh to
his full age, he or his heyre may recover
by this wytt, but it is couenient that he
be of full age the day of his wytt purcha-
sed, but if the infant let his lande for ter-
me of yeres and after he make a confir-
maciō, or release withyn age, he shal not
haue the sayd wytt whā he cometh to his
ful age, but he may haue in this case as-
syle of Pouel disseison: for that, that the
Infant made no leuere of seiso. And note
ye: that if lande in fee simple be solde by
one beyng withyn age, the heyre of the
seller shal not maynteyne the sayd wytt
beyng withyn age, nor no wytte of En-
tre. Except it be withyn the case of h̄ sta-
tute of West. ii. cap. xlvj. whiche begyn-
neth. Parueu est ensement. que nul. &c.
Also if the father beyng withyn age sell
lande to hym descended in taylor & dyed,
his issue shal haue a Formedō in the dis-
cendre, and not the sayd wytt. And note
ye: that if an Infant sel his land, he may
entre agaynst his owne scoffement, & yf
he be

brentam.

Fol. cxxxviii.

he be put out, he shall haue a lise of Ro-
uel disseyson when he cometh to his full
age but when he cometh to his full age,
it is conuenient for hym to purchase the
sayd wylt. And note ye: p an Infant shal
reconer in a wylt of Kyght, or any other
wylt according to his case, for such land
that he hath of his owne purchase. And
also an Infant shalbe charged to attour-
ne by a wylt that is called Per que serui-
tu, be parz p Johem Coplande termino
Michael. An. rrb. C. 3. But it is said that
he shall not be charged to attourne by a
Quid iuris clamat. And note ye: hat an
Infant may maynteine a wylt of Centre
pon a disseyson made to hym selfe. And
note ye: that yf. ii. byng a wylt of right
as heyses, the one beyng wythin age the
other shall care vnto her ful age. If a man
hinge a wylt of possession, as a wylt of
Ayle, Colynage, or Ayle of Mozdoun-
restour, & the tenaut in any of these ac-
tions say, that his auncellour was seyled
of p same land in his demeane as of fee,
after whose death he entreth a sone and
heire, & pray his age, if the trouthe be so
he shal haue his age. Other wise is a lise
of Roel dis. for that, that the dis. was
his owne wronge. If an Infant byng
any wylt of possession against one of ful
age, he shalbe answered, as in a Foined

9. D. 7. 24,

S. y.

in

Natura

in the descender if his auncellour died seised as of fee taylor: for that, y it is in place of Assise of Mortuance, but if there be pleaded against him in the dede of his auncellour with allez by descent, the plea shal tarpe: for that, that he wth age may not confesse nor denie the dede of his auncellour: But if in assise of Novel disseison, the dede of the father of the Infant with a warrant be pleaded agaynst hym the assise shalbe awarded for y anantage of the Infant to enquire of the Circumstances of the dede (that is to saye) if it be the dede of the auncellour. And if it so be that the auncellour was of full age, and of good memory, & if the lande passed by the dede or not, and yf he be heyre to him and for these matters afoze loke the statute of Glouc. Cap. ii. whiche begynned Si enfant deins age, &c. Note ye: that an Infant shal answer where he is seised wth in age, and euerye other case where he is in of his owne Intrustio. The same lawe is in a wytte of Dower where the heyre is bouché to warranty. The same lawe is in appelle if he be of y age of. xiiij. yeres. And note ye: yf an Infant sell his lande reseruyng certayne rent, & at his full age be receyue the rente, he shal be barred of his accio. And note ye: that an Infant may not sue an appelle: for that,

bzenitum.

Fol. cccc. ix.

he may not suffre imprisonment, & also
for that, that he may not make ransome.

Addicion.

This writ was brought in C. the re- P. 23
C. 3.
nant sayd that the blage of that towne
is, whan a mā can counte. xii. d. and me-
sure a yerde of cloth, than he is of age to
sell his lande, of suche age was the de-
maundant whan he demised: and for þ,
that he put not the age to certayn, so that
the demaundant myght haue aunswere
to that, a warded was that the demaun-
dant should recouer.

Note ye: that if the husbände and the M. 14
C. 3.
wyfe do sel lande that he hath in right of
the wyfe both beyng within age, after
the deach of the husbände, the wyfe shall
haue a Dum fuit infra etatem, and this
is in a writ of Waste.

If the husbände & the wyfe purchase M. 22
C. 3.
lande toynely, the wyfe being wīn age,
and the husbände and the wyfe sellerh all
the lande, the husbände died, the wyfe
shall recouer the hole by this writ.

Note ye: that it is sayde by Wake in C. 12.
D. 4.
style, that an Infant of the age of. xviij.
yeres, may be a disseisor with force & ar-
mes, & be imprisoned and answer to the
wrong made by hym. &c. & if the Infante
pleade in barre (as he well may) and a ti-
tle is made against hym, he shal answer

S. ij.

to the

Natura

to the tyle, or other wyse the alle shalbe taken, and if he reply againste the tyle, which is founde against him, it shal not be enquired if he hath any other matter against the tyle, & that is for the wrong that is supposyd in his persone, but to be he is pleynlyse, & a barre pleded against him the court of office shal enquire for y^e Infāt: for that, that he knoweth not his best ryght, & the court hath power to enquire for the tenderneſs of his age.

29.9
C.4.

Note ye: that it was holden by all the Iustices, that y^e circumstaunces of a dede pleded against an Infāt, shal not be enquired in a wyte of Centre, nor in no other wyte, but where there is a Jure of the first day for the *Menſure facias* is to trye one poynnt certeyne.

¶ A wyte de Ingressu sup dict.
in le quibus.

A wyte de ingressu super dict. in le quibus is such.

Rex hic, salutē. **Hic**, **A. q. 11. redd. B. vnum**
mess. cū ptiū in A. q. c. amat esse ius et heres
suū et de quo idē A. insule et sine iudic. disseis
uit L. pēm pōicti B. cuius heres ipse post pū
transfē dñi regis 11. In Maseon 11. Mel sic. In
q. idē A. nō habet ingressū nisi p. C. cui A. illud
dimisit q. insule et sifi iudicio disseisuit B. p.
trē pōicti B. vel antecessorē 11. cuius heres
est post pūmā trāfētationē 11. Mel sic. In q. A.
A. non habet ingressū, nisi post dimissionē. q. C.
inde fecerit B. pōicti 11. pōicti B. cui heres 11.
post pūmā 11. Et vnde querit 11. Telle.

¶

Fol.cxl.

Purueu est ensement. &c. It is sayde if
the soresayde wypt be brought agaynst
the yssue of the alpyene of the dyscyloure
(yf he be within age) then the plee shall
not tary: for that, that it is not within
the case of the said statute. And the Pro-
tes is in this wypt, and al other wypttes
of Entre that are plee of lande, and be-
gynneth Prec. q. reddat. &c. Homons,
grand Cape, and petit Cape. And this
wypt shall saye: de quo vel de quibus A.
M. B. p. m. &c. cuius heres ipse est.

पुनः.

३३.४.
३३.३.

88.13
C.3.

And

Natura

to the tyle, or otherwys the alle shalbe taken, and if he reply againste the tyle, which is founde against him, it shal not be enquired if he hath any other matter against the tyle, & that is for the wrong that is supposed in his persone, but wher he is pleintife, & a barre pleded against him the court of office shal enquire for þe Infā: for that, that he knoweth not his best ryght, & the court hath power to enquire for the tendernes of his age.

29.9
C.4.

Note ye: that it was holden by all the Justices, that þe circumstaūces of a dede pleded against an Infā, shal not be enquired in a wyrt of Centre, nor in no other wyrt, but where there is a Jure of the first day for the Centre facias is to trye one poynt certeyne.

¶ A wyrt de Ingressu sup dist. in le quibus.

A wyrt de
ingressu su
per dist. in
le quib⁹ is
sache,

Rex hic, salutē, Dicit, A. q. 1c. redd B. unum
mess. cū ptiū in A. q. c. amat esse ius et heres
suū et de quo idē A. in iuste et sine iudic. dist. 1c.
nit L. pēm pdicti B. cuius heres ipse post pmi
transfē dñi regis 1c. In Maleon 1c. Vel sic. In
q. idē A. nō habet ingressū nisi p L. cui A. illud
dimisit q in iuste et sine iudicio dist. 1c. nit B.
erē pdicti B. vel antecessorē 1c. cuius heres ipse
est post pīmā trāsfetationē 1c. Vel sic. In q. idē
A. non habet ingressū, nisi post dimissionē. q. c.
inde fecerit B. patri 1c. pdicti B. cui⁹ heres 1c.
post pīmā 1c. Et unde querit 1c. Colla.

Lij

This wryt lyeth where a man is disseised & dieth, his heire shal haue the sayd wryt against the same disseysoure. And note ye: that this wryt is not geuen but onely for the heire of the dysseysy (in what degree soeuer he be.) And in thys wryt the demaundant shal make title as heire from h^e ancestour y^e was disseised. And note: y^e this wrytte shal not cary for the nonage, as appereth by h^e statute of Westm. i. Cap. xlii. whiche beginneth.

Puruen est ensement. &c. It is sayde if the foresayde wryt be brought agaynst the yssue of the alynes of the disseysoure (yf he be within age) then the ples shal not cary: for that, that it is not within the case of the said statute. And the **Proces** is in this wryt, and al other wryttes of Centre that are ples of lande, and beginneth *Proc. q^{uod} reddat. &c.* Somons, graund Cape, and petit Cape. And this wryt shal saye: *de quo vel de quibus A. dist. B. p^{ri}m. &c. cuius heres ipse est.*

¶ Addicion.

Note ye: of what thinges a man shal haue the sayd wryt, he shal haue the said wryt of a **Geor^{ge}.**

If a fylshyng be graunted to an Abbot and he ble the fylshyng in seueral tye, yf he be disseysed & died, his successour shal haue a wryt of Centre for the grounde.

S. iiij.

And

Patura

T.4.
C.3

And note ye: that a man shal haue the sayd wryt **P. rec.** q. reddo pasturā ad duos boues, and this is to be intended that this wryt lyeth not agaynst the lord of the grounde, for agaynst him lyeth the **Quod permittat.**

T.3.
C.2

A man shal not haue the sayd wryt of **P. recipe quod reddat** passagium ultra quam agaynst him that hath the cours of the water, but a **Quod permittat.**

M.7
C.3

A mā shal haue this wryt **P. rec. ec.** q. reddo balliuā ad custodiendū p̄tū de L. cū p̄tū q̄ clamat esse suū et hereditatē suā.

P.4.
C.4

Note ye: that a mā shal haue a **P. rec.** q. reddo of a thyng that lyeth in gnyng as land, rent, & suche lyke, but of a thyng that lyeth in takyng or sufferance to be otherwyle is, as of Cōmon, Ekoners, & suche like whereof the parrie shal haue assyse or a **Quod permittat.**

¶ A wryt de Ingressu sup in per.

A wryt de Ingressu super dis. in per. is suche.

Rex vīc salutē. **P. rec. A.** q. in ste & sine dilatione reddo B. vnū mess. cū p̄tū in P. q. clamat esse suū & hereditatē suā: in q̄ idē A. nō habet ingressum nisi p̄ L. que iud imp̄te et sine iudicio disseiuit T. patrē p̄dicti B. cui herēs ip̄s p̄tū poss p̄mā trāstē dñi B. ec. et vnde querit. &c.

This wryt lyeth where a man is disseysed of his freholde, and the disseysour sell to a straunger, or if the disseysour die and his heire entre, than the disseys

bzenium.

Fo. crli.

syfpy o2 bys heyze shal haue the soresayd
wzpt agaynst the alpenour, o2 against þ
heyze of the disseysour. And note ye: that
þyngge the disseysour no wzpt of Entre
weth for the disseyspe but onely assyle of
pouel dist. And þ wzpt of Entre shalbe
Et quod idē A. non habet ingressū nisi p
B. qui illud et dimisit q̄ iniuste. &c. And
yf the dysseysour sel the land, and dyeth,
he to whom the lande was solde sel to a
nother, o2 in case that the dysseysour die,
and his heyze entre, & that heyze die, and
his heyze entre, thā the disseysour, o2 his
heyze shal haue a wzpt of Entre sur dis
seysoun in the Per, et Cui. And the wzpt
shalbe thus. Et in q̄ non habet ingressū
nisi p J. S. cui R. D. illud ei dimisit qui
inde. &c. And note yf the dysseysour sell þ
lande, & dye, & he to whom the land was
solde sel to another, & the seconde alpen
sell the lande to another man, o2 in case
that there be thze discentes of the dissey
sours part, than the disseys, o2 his heyze
shal haue a wzpt of entre in the poss, and
the wzpt shalbe. Et in quod non habet in
gressū nisi post disseiam quod B. inde in
iuste. &c. And note ye: that. b. thing put
teth the wzpt of Entre out of his degrees
(that is to say) Intrusion, Eleccion, dis
seisoun vpon distin, Iugement & Elcheit
Fyrst Intrusio is, where the dysseysour
dyed

Statuta

died seysed & a straüger abate, the disseys-
se oꝝ his heyze shall not haue a wryt of
Entre in the Per, but the wrytte shalbe
in the Post: for that, that the abator is
not in by dyscense, noꝝ by purchase, but
onely by his owne wronge. The secõde
cause is Eleccion, and that is where the
disseysour is a man of reyggon & dieth,
oꝝ is deposed and his successour entreth,
the disseysy oꝝ his heyze shal not haue a
wryt of Entre in the Per, but a wryt in
the post, the cause appereth. The thyrde
is Judgement, and that is, where a ma-
reconereth agaynst the disseysour, & af-
ter the disseysour dyed, the disseysy oꝝ
his heyze shal not haue a wryt of Entre
in the Per, but in þ post. The fourth is
dissin byõ dissin, & that is where the dis-
seysour is disseysed, & dyed, the fyfth dis-
seysy oꝝ his heyze shal not haue a wryt of
Entre in þ per, but in the post. The ffith
is Eschept, & that is where þ disseysour,
dyeth wythout heyze, oꝝ do a felony, for
the whych he is attaynted, & dyeth. The
lozde entreth as in his Eschept the dis-
seysy oꝝ his heyze shal not haue a wryt of
Entre in the Per, but in þ post, þ cause
appeareth. And note ye, that the wryt of
Entre in the post is gyven by the Statut
of Mart in þ last chapiter, which begin-
neth. *Provisum est.* &c. And the proces is
Homons,

bzentum.

fo. crlif.

homons, graund Cape, and p'etie Cape
And note ye: y^e pt the p'sue by ng a wryt
of Entre in quibus, and the tenat plede
in barre a feoffement of the same father,
the p'sue shal not be charged to answe're
to the dede, but he shal haue his wryt: for
that, that this is no barre, but it is a tra
uers to the wryt.

**¶ A wryt de Entre sine
assensu capli.**

R Ex vic. salutē. Dicit. A. q. iuste re. redd. B. A wryt de
abbati sancti Augustini de A. vnu mess. entre sine
cū p'ti l. A. q. clamat esse ius monasterii assensu capli
in p'dicti Et in q. idē A. nō habet ingressū nisi
q. L. quoddā abbate monasterii p'dicti q. illud
et diuinit sine assensu et voluntate capli mona-
sterii p'dicti ut dicit. Et nisi fecerit, et p'dict. B.
facit. re. Et habeas. re. Teste. re.

T Hys wrytte lieth where an Abbot
or Prior, or anye such y^e hath co-
uent or comon seale selleth land or
tenement that he hath in the ryght of hys
church, wythout the assent of the couer,
or chapitour & dyeth, the hys successour
shal haue the sayde wryt. And know ye,
that thys wryt may be made in the Ver,
Cui, or post, as it appereth bi y^e Register
And y^e Proces is as in y^e wryt next aloze. **Proces**

**¶ A wryt de Ingressu sur
cui in vita.**

R Ex vic. salutē. Dicit. A. q. re. redd. B. que su- A wryt de
it vxo) D. vnu mess. cū p'ti in A. q. clamat ingressu sur
elle ius re heredit suam B. in q. idē, A nō habet cui in vita
ingressum is such.

Statuta

ingressu nisi p̄dictum D. quoddam vtrū ipse
S. illud ei dimisit: cui ipsa in vita sua contra
dicere non potuit: ut dicitur. Et nisi fecerit, etc.

Proces.

This wyrt lyeth where a woman is
seyled for terme of lyfe in taile, or
in fee symple, & take a husband, &
the husbände sel the land and dyeth, the
wyfe shal haue the foresayd wyrt. And p̄
Proces in graūd Cape, and petit Cape.
And not ye: p̄ in this wyrt she shal make
rytle, & p̄ wyrt shal say: q̄ clamat esse ius
et hereditate suā: not wythstandyng her
owne seylon. And if the wyfe hath other
estate thā fee simple as for terme of life
the wyrt shal say Quod clamat tenere ad
terminū vite sue, & of se sayl. And in case
that the husband and the wyfe purchas
iently, and the husbände sell al the lande
and dyeth, the wyfe shal haue the sayde
wyrt & recouer the hole. And bi p̄ Statute
of Westm. ii. Ca. iii. which begynneth.
In casu quo vir, etc. wyl p̄ yf land which
the husband hath in p̄ ryght of his wyfe
be recouere agaynst the husbände & the
wyfe by defaut, after the death of p̄ hus
band the wyfe shal haue p̄ foresayd wyrt
and the tenaunt shal shewe the matter
of his fyrst wyrt, to which wyrt the wyfe
shal haue answer, and if it be found that
the tenaunt hath no right, then the wyfe
shal recouer by the sayd wyrtte. But if a

man

man recouer against the husband onely
 the lande y he hath in ryght of hys wyfe
 by defaute or accyon tryed, & the husband
 wyth, the wyfe shal haue assise, & not the
 sayd wyte: for that: that she was not par-
 ty to the Judgement. And note ye: that
 whete a man is a straüger to iudgemēt
 he may haue trauers to the title cōprised
 in that iudgemēt as in case that I bring
 a Formedon, & the tenaunt say, that ano-
 ther tyme he broughte assise of Po. dyll.
 agaynst W. and reouered, of the giste of
 whych he byngeth and thys acciō was
 meane betwyxt the disseisō made to him
 and his reouere, & demaund iugement.
 ec. the demandant sayd that by such a re-
 couere you may not deferre the gyft, for
 ye were not disseyled, & that am I redye
 to auerre. ec. & that was thought a good
 plee, but the party that is pyue shal not
 haue such an auerement: for that, y he is
 helped by Attainte. Erroure, or Dysceit
 after hys case, and so no myschpyse to
 hym. And note ye: that if the wyfe bring
 her wyte of Cui in vita agaynst y seoffe
 of her husbände, and the seoffe vouch to
 warrant the heyre of the husbände that
 is within age, the plee shal not tari vnto
 hys ful age: for that, that it is remedied
 by the statute of W. II. Ca. xl. whiche
 begynneth. Cū quis. ec. But other wise
 is, yf

Natura

is, yf the wyfe bypunge her Cui in vita in
the per, & Cui, & the tennaunt bouche him
to warranty by whom his entre is sup-
posed and he bouch ouer the heyze of the
husbande that is within age, & pray that
the ple may tari vnto his ful age, in this
case the ple shall tarpe: for that, that the
same statute is not otherwyle entended
but where the alpyne of the husbād bou-
cheth to warrant the heyze of h husbād.
And note ye: that this accyon lyeth for h
heyze of the wyfe, for yf the husbāde sel
lande that he hath in ryght of his wyfe,
and the husband and the wyfe dyed, the
heyze shal haue the sayd wyte. But if the
wyfe be tenant in talle, and the husband
sel oꝝ the husbāde & the wyfe lose by de-
faute. It is sayd that the heyze shal haue
a forme don in the discēder, & not a Cui
in vita. And note ye: h yf the yllue bypung
the sayd wyte of sur Cui in vita of h sale
made by his father he shal not be barred
of accion by h warrant of his father on-
ly without, that he hath to h value of h
symple discēded to hym frō his father h
made the warrant. And that is given by
h statute of Gloc. Ca. lvi. Which begin-
neth. Estable est ensemble &c. And in case
that the husbāde let lande that he hath
in ryght of his wyfe for terme of yeres &
after make a cōfirmaciō for terme of life

brensum.

Fol. cxliiii.

as in fee, & the husbände dyed it is sayd þ
wyfe may not haue the Cui in vita. But
Mylle of Paucel diss. noz the heyze of the
wyfe after the death of þ wyfe shal haue
the sayde wzyt, but a wzyt of Centre sur
diss. for the wzyt shal not suppose suche
sale to be made by confirmacyon, noz by
release.

Addicion.

¶ The wzyt of a Cui in vita was, q̄ cla D. 48.
mat tenere sibi & heredib⁹ de corpore. &c. C. 3.
and sheweth not of whose gift wherfoze
þ wzyt abated, but in a Nisi desozcent
he shal not shewe of whose gyfte.

¶ The sayd wzyt supposethe that the te- D. 19.
C. 3.
naunt hath no entre but by one S. & the
tenaunt sayd that he entred by the sayde
S. & one A. his wyfe iugement of þ wzyt
yet the wzyt is good, for thonghe that the
husbände made a demyse to S. and A. his
wyfe, & they demised ouer to the tenant,
yet all shalbe counted the demyse of the
husbände, wherfoze the tenaunt pleaded
to the accion. But if S. & A. had demised
by fyne other wyse shulde be, and that the
tenaunt shulde haue pleaded so.

¶ The said wzyt was brought against þ D. 13.
C. 3.
husbände & his wyfe, supposyng that the
wyfe hath no entre but by one J. to whō
the husbände of the pleyntyfe demysed. &c.
the tenants sayd that the husbände &
the

Natura

the wyfe entred by the sayd J. iugement of the wyte, & that ples was not allowed wout trauesling y the wyfe onli entred.

20.36.

C.3.

C If the husbände and the wyfe, and the chyld purchasē ioyntly and the husbände sel al the lande and dye, the wyfe shal nat haue a Cui in vita lyuyng the chyld: for that, y they may ioyne in a wyte of right but yf the chyld dye, she shal haue a Cui in vita of the hole, but if y purchace was afore the maryage, than she shal haue a Cui in vita but of the halfe, no moze than a Cui ante deuorciū.

9. C. 1.

lib. 2.

C If the husbände be seysed of lande for terme of lyfe in the ryght of the wyfe: & therof make a feoffement by force wher of he is in the reuercion entre, and the husbände dyed, the wyfe shal haue the lande agayne.

20.10.

C.3.

20.17.

C.3.

C If the husbände discontynue lande y he hath in the ryghte of his wyfe, & dye, yf the wyfe accepte parte of the lande in name of dower: quer if she shalbe barred.

20.34.

C.3.

C If a mā gyue land to a woman vpon condicion that she shal sel the land, & distribute the money for the soule of the feoffe, the wyfe taketh a husbände, & after the husbände and y wyfe sel the land and distribute the money accordynge, the husbände dyed, the wyfe shal not haue a Cui in vita.

A wyte

b2entiam.

Fol. cxxviii.

A wryt de Ingressu cui ante denoꝛe.

Rex hie salutem. Dicit. q. redd. B. fuit vxor. A. wryte de vna mess. cu pñ in C. q. clamat esse ius et ingressu cui hereditate sua, et in q. idē d. nō habet ingressū āte denoꝛe, nisi per pñdict. C. quondam virū ipsius C. qui is luche, aliud ei dimisit cui ipsa ante denoꝛe. inter eos celebratum contradicere non potuit, vt dic. Et nisi fec. 15. Et habens Ceste. 11.

This wryt lyeth where a man selleth lande that be hath in the right of his wyfe, as afoꝛe is sayde in the Cui in his is, & afterwarde a denoꝛs is had betwixt them, than the wyfe after the denoꝛs oꝛ her heyze shal reconer against the scotte his heire, oꝛ his assignes, oꝛ what pson loener that is in the land. And this wryt may be made in p. Ber, cui, oꝛ Post. And the Proces is, as in the wryt ner afoꝛe.

p. iores,

A wryt de Ingressu causa matrimonii pꝛelocuti.

Rex hie salutem. Dicit. A. q. 11. redd. B. vnum A wryte de mess. cum pñ in A. q. idē d. et dimisit causa ingressu cau matrimonii inter eos pꝛelocuti, qui eam duxit la matrimo debuit in vxorem et nondum duxit vt dic. Et nū pꝛelocuti, nisi fec. 11. Ceste 11.

is luche.

This wryt lyeth where a woman giueth certayn landes tenementes, oꝛ rentes to any man vpon condicion, that he shall mary the sayde woman wpyhin a certayne tyme, if the man wyl not mary the sayd woman wpythin the sayde tyme (betwixt them assigne) noꝛ if the mā

A. j.

disa

Natura

disableth hym selfe as in takyng of ano-
ther woman to his wife in y^e meane tyme
o^r be made a prest, so y^e she may not take
hym to husbande accordyng to the condi-
cion, the o^r her heyres shall recover the
sayd landes agaynst the sayde man, o^r a-
gainst whosoever he is in the land, by this
sayd wyrt, so^r this wyrt may be in y^e Per
Cui, o^r Post. And note ye: that it is co-
nensent that this condicion be made by
indenture, o^r otherwise this wyrt lyeth
not. And y^e Proces is as in y^e Cui in vita
Addicion.

Proces.

An. 5

C. 2.

In a Cui in vita, the tenant said, that
the sayd R. her husbande gaue the same
landes to the wyfe: now demaundaunt,
causa matrimonij prelocuti: & after toke
her to wyfe. &c. And so the effecte of the
gift. &c. Denon. If a mā gine lād to a wo-
man by fine, & the next day he mary her,
suppōse you that the fyne is boyde: whi-
che proueth that by the espousels, y^e gift
no^r the graunt is not defeated.

CA wyrt de Intrusion.

Re: vic saluti. P^{re}dicti A. q^{ue} re, redd^{it} B. vñ m.
cō p^{re}dicti in A. y^e clamat esse ius et hereditariū
suū: et in quod idem A. non habet ingressum
nisi per intrusionē quam in illud fec. post mor-
tem L. que fuit vxor B. que illud tenuit in do-
tem de dono predicti B. quondam vñ fuit p^{re}-
dicti B. cuius heres ipse est vñ dicit.

nisi fuerit et. Teste ac.

This wytte lieth where the tennaunt
for terme of life or of another mans
lyfe, tennaunte in dower, or tennaunte by
courtesy dyeth seyled of certayne landes
and tenementes, and a straunger entre
he in the reuercion shall haue the sayde
wytt agaynst the abatour, or agaynst
whosoever that is in the lande after the
death of suche tennautes. And note ye:
that this wytt may be in the Per, Cut,
or Post, as other wyttes of Entre. And
note ye: that A lise of Mortuancefour,
Ayle, Colynage, A lise of darreyne pre
sentment, and Ruper obite, are called
wyttes of possession, in whiche wyttes
a man shall recouer damages, Costes, &
the yssues of the lande or tenemente de
manded. And note ye: that a wytt of
Intrusion in the tyme of vacacion shall
be mainteined for the successeur agaynst
the abatour that is in, in any lande or te
nemente that belongeth to his churche
after the death of his predecessor, and
that is geue by the Statute of Mort. cap.
vltimo. And the Proces is as in the Proces.
Cut in vita.

Addicion.

The graundfather, father & the sonne
are, & the graundfather let land to the fa
ther for terme of his lyfe, the graundfa
ther

I. y.

ther

Natura

ther & the father died, & a strainger abate
the sonne that haue a w^{rit} of Intrusion
and declare of the seison of the graūdis-
ther, and make discent by his father.

¶ 6.
¶ 1.

¶ If landes be let for terme of life the re-
mander ouer in fee, the tennaunt for lyfe
dyed a strainger abate, he in the remain-
der may chose to haue a Scire facias, or
a w^{rit} of Intrusion.

¶ A w^{rit} de
Ingressu ad
communē
legem is
such.

¶ A w^{rit} de Ingressu ad cōmunē legē.
Rex v^{obis} salutē p^{re}ter. **¶** q^{uo}d iuste et sine dilacione
redd^{ere} **B.** vnā bouatā terre cū p^{re}st^{is} in **B.** quā
clamat ess^{us} ius et heredit^{as} suā et in quā t^{em}p^{or}e
non habet ingressū nisi p^{er} **C.** q^{uo}d fuit vxor **B.** q^{uo}d illā
et dimisit, et que illā tenuit in dotem p^{re}dicti **B.**
quoddā v^{ir}i sui, patrem p^{re}dicti **B.** cuius heres
se est: ut dic^{it}. Et nisi **sc.** Et habeas **sc.** test^{is}. **sc.**

This w^{rit} testifieth where the tennaunt
for terme of lyfe, or of anothers lyfe
tennant by courtesy, or tennaunt in dow-
er, make a feoffement in fee, & dieth be-
in the reuercion shall haue the sozefayor
w^{rit}te against whosoever that is in the
lande after suche feoffement made. And
note ye: that this w^{rit} may be made in
Per, Qui, or Post. And note ye: that it is
geuen by the statute of West. ii. Cap. iii.
Whiche beginneth. In casu quo v^{ir}. ut
p^{er} tennaunt in dower, or by the courtesy
loseth by defaute & die, he in the reuercion
shall haue the sayd w^{rit}, but if the tennaunt
by the lawe of Englande make a feoffe-
ment

hzenfum.

Fol. cxxxix.

ment, or lose by default, & dyeth, he in the reuercion may recouer by assise of Mort d'ancestour, Ayle, or Colynage, notwithstanding the seylon of the tenaunt by the courtsey, as it appereth by the statute of Glocester. Cap. iiii. Which beginneth. Estable est q si homo de. &c. Where he myght haue had the writ of Centre at the comon law. And the Proces is as in o. Proces. ther writtes of Centre.

Addicion.

In a writ of Centre at the comon law, qd. 7 the writ shewed not the death of the tenant for terme of lyfe, wherfore the writ was abated by iugement & after reueried in the kynges benche: for that, that there is no other courme of writ.

A writ de Ingressu in casu p'ouiso. A writ de Re. vic. Salutē Precipe D. q. sc. reddē B. unum ingressu in casu p'ouiso. cum p'iss in A. q. clamat sc. et in q. casu p'ouiso qd. nō habet ingē nisi p. C. que fuit vxor B. is such. qd. illud ei dimisit, vel que illud tenuit in dote. de dono p'dicti B. quōdā viro sui patris p'dicti B. cuius her ipse est, et qd. p. dimissionē p. ipsam C. p'at. B. cōtra formā statuti Glor. de cōm. mōdō regē Anglie inde p'iss: factū in feod. p'at. B. reuerri debeat per formā eiusdē statuti de dic. Et nisi fecerit: vt supra.

This writ is geuen by the statute of Glor. Ca. vii. which begynneth. En loient q si feme vende. &c. And lyethe where tenant in dower maketh a feoffment

A. iij.

ment

Natura

ment in fee in talle, or for terme of life of the lesse (lypynge the tenaunt in dowry) bein the reuercion shal haue this wyte against him that is in the land. And this wyte may be made in þe Per, Cai, or Poss as other wyttes of Entre. And note yet that this wyte yeth durynge the lyfe of the wyfe, and not after the death.

A wyte de Ingressu in cōsumili casu
A wyte de ingressu in cōsumili casu is such
 Rex vic. salutē. P̄fēt A. q̄ iuste et sine dilato
 redd B. vnum mess, cū p̄ris in A. q̄ clamat
 esse ius et hereditatem suam: et in q̄ idem A. nō
 habet ingressum nisi per L. qui illud tenuit p̄
 legem Anglie post mortem G. quondam broy
 sue matris p̄dicti B. cuius heres ipse est. Et
 qui post dimissionem per ipsum L. p̄feto A.
 inde factam in secundo ad p̄feto B. reuerſi be
 beat per soymam statuit in cōsumili casu p̄
 uisum, Et nisi fecerit it. Teste it.

This wytte is taken by the equity of
 the Statute of Gloc. Cap. vii. & wher
 where the tenaunte for terme of lyfe
 by the courtesye make a feoffement
 afore is layd, he in þe reuercion shal haue
 this wytte against whosoever be in
 lande during the life of the tenaunt by
 courtesye, or tenaunt for terme of lyfe
 not after their death p̄. xii. c. iii. And
 this wyte may be made in the Per, Cai,
 or Poss. And the p̄ces in these. ii. wytes
 is Homōs, graund Cape, & p̄ris Cape.
 Addicion.

P̄oces.

brentum.

Fol. clxviii.

Note ye: & this wryt was meynre-
ned by & tenant in taylor in the reuercion
and the wryt made mencion of the taylor.

Note ye: that this wryt was purcha-
sed during the life of & ternaunt for terme
of lyfe, and hauing the wryt the ternaunt
dyeth, yet the wryt was awarded good:
for that, & he was a stranger to the wryt.
& also & action is brought of & alienacion.

If a man let landes for terme of lyfe, &
remainder to another in fee by fyne, the
tenant for terme of lyfe made a feoffe-
ment in fee, he in the remainder in fee
brought the sayde wryt & the wryt was
good by the opinion of the court.

Note ye: that the graunt of the reuer-
cion brought the said wryt, and was iud-
ged good: ex assignatione. &c.

A wryt de Cessante per biennium.

Per hunc salutem. Dicitur. A. q. re. redd. B. unum A wryt de
met. cum p. in A. q. id. A. de eo tenet p. re. Cessante p.
in seruicia, et q. ad p. factum B. reueret. debeat biennium.
p. m. statuti de c. m. h. consilio regni n. A. is l. the.
p. inde p. uisit. eo q. p. dictus A. in faciendo
p. dicta p. biennium. la cessant: ut dic.
p. m. fecit re. C. l. the.

This wryt lyeth where my very te-
naunt holdeth of me certeine landes
in tenementes by the serayces of doma-
yn and fealte, and to goue to me euerye
yere at certeyne termes of the yere cer-
teyn rent of which serayces I was ser-

L. liij.

sed by

Natura

sed by the hande of the tenant, than if he
cease of the payment of the sayd rent by
two hole yeres, so that I could not finde
a distress in y^e sayd tenementes. s. no go-
des wherby I myghte distreynne hym to
haue payd the sayd rent, but suffreth the
lādes to lye fresshe without maynūracē
after y^e sayd two yeres past, y^e sayd ten-
mentes because of the cesse oughte to re-
uert to me; & than I may recover by this
wryt against my tennant or his heire, or
against whosoever be in after the sayd
cesse by .ii. yeres. And note: if he agaynst
whā my wryt is brought, come in court
afoze iudgement geuen, & paye to me the
arrearages & damages reasonable for the
sayde cesse, & fynde suretye (as the court
will awarde) that he shal cesse no moze of
the payment of the rent, thā he shal holde
by the sayd tenementes, so that I shal not
recover by this wryt. And note yet that
heire may not maynteyne this wryt be-
cause of a cesser made in tyme of his an-
cestour, nor shal haue no rēt, salt, nor ar-
rearages due in the life of his auncestour.
And also it is sayde that thys wryt lyeth
of the cesser of no seruices, but of yearly
seruices, as of rent & such lyke, & not of
homages; fealtye, escuage, & reyse, for
these are no yerely seruices. And note
that if I be seised of yerely seruices,

brentum.

Fol. cxi.

the tenant celled the two yerres next after
my death so that my heire was neuer sei-
led of h^e seruyces, yet my heire shal haue
the sayd w^{rit} agaynst the said tenant or
his heire, or agaynst what pers^{on} soeuer
that is tenant, & he shal name him selfe
heire to his father in the w^{rit}. And so is
the statute of Westm. ii. Ca. xxi. which be-
gunneth. Cum in statuti apud Glouc. &c.

Addicion.

In a Cessant h^e w^{rit} was, that one J. holdeth certeyne landes by certeyne ser-
uyces, & that the sayd J. hath celled, & de-
clared that J. holdeth of hym the maner
of W. wherof the Carue is percel bi cer-
teyne seruyces, & that the tenant hath
entre but by J. & the w^{rit} was chal-
lenged: for that, that he declared that h^e hole
maner was holden of him by certein ser-
uyces, & he assygned the cessour but in h^e
land demaunded that is parcell of h^e ma-
ner where he ought to haue assigned the
cessour in h^e hole maner, & that excepci^{on}
was not allowed for the cessour that not
be assigned but in the lande demaunded.

A Cessant was brought against A. & B. declared that B. helde of hym, & that the
tenementes ought to reuert: for that, h^e h^e
sayde A. hath celled, & the w^{rit} awarded
and without speaking of any entre.

In a cessant be found. iiii. pledges and

the

the court awarded if the rent be behind
after that the lord shall distraine in the
lande of the pledges:

17.33.
C.2.

Two copyholders are entyled to have
a Cessant, the one hath issue & dyeth be-
fore that surtiuerth that not have the accion.
Wherby it is of copyholders. If the
husband hath a sergnoy in the right of
his wyfe, & the tenaunt cesse, and after
husbande dyeth, the wyfe shal have the
Cessant.

17.10.
C.3.

In a Cessant the tenaunt sayd that he
hath declared in the right of his church,
in the wyte is not comprehended: & claimet
esse ius ecclesie sue, & therefore he demaun-
ded iudgement, but the ple was not al-
lowed: for that, & the abbot shal not make
rytle in this wyte, for that, & it is gyuen
by the statute.

17.33.

Note ye: by Wylloit, that a Cessant
lyeth out of court yf the lord hath the
court, yf not the tenaunt may alledge.

17.17.
C.2.
18.1.
1.3.

A Cessant was maynteyned by an
assent: for that, that it is gyue in place of
a newe, notwithstandinge the it be a copy
of right in his nature.

17.19.
C.3.

Note ye: that a Cessant lieth not for
the donour agaynst the done but yf land
be gyuen in taylor tharemainder ouer
fee, the chyfe lords shal have a Cessant
agaynst the tenaunt in taylor, for that

bzeusum.

Fol. cl.

the lord be that nor be barred by the acts of
a stranger.

A wryt de Cessavit per biennium
de feod y firma.

Ex vic. salu. p. pr. d. q. 1c. redd. B. vñi mot. cū pñi in d. q. id B. et d. d. dimisit ad feodi
firma reddēd. inde p. anñ eidem B. tēf pñi seu
halozē mess. pñicti. Et q. ad ipñ B. reuertē de
beat pñormā statuti 1c. inde pñouit. ei q. pñic-
tus d. in solatione siame pñicte p. bennū sam
cessavit: de die. Et nisi 1c. Ceste. 1c.

A wryt de
Cessavit in
par biennū
um de feo-
di firma id
such.

Thys wryt lyeth where a man gy-
ueth certeyne lande in fee symple,
oz in fee taylor paying to hym & to
his heires in fee ferme by yere that is to
say rent, oz to fynde to hym & his heires
Eltoners, oz clothyng, the which charge
is reserued to him & to his heires amou-
nt to h. value of h. fourth part at least, oz
more, as to the thyrde part, oz to h. halfe,
or the very value of the lande oz tenement
is charged, then yf the sayde fee ferme be
not payed by two hole yeres, noz that he
may not fynd dystres in the said tenement
within the said. ii. yeres. then shal he
in hys heyre recouer agaynst the tenaut
by h. sozelayd wryt. And note: that no mā
may distrain for these charges but wher
hole tenementes are giuen in taile as a
fee is sayd, oz that they were giue in fee
symple afore the statute of Quia emptor-
es terrarū, &c. soz if tenementes be giue
in fee

Patena

in fee simple after the statute aforesayd,
a man may not dyscreyne. And not per
the heire shal not haue this wryt becaus
of such charge behynde in tyme of his an
cestour, And the Proces is in this wyse
graunde Cape, and petit Cape.

A wryt de Cessauit de cantaria per biennium.

A wryt de
cessauit de
cantaria p
biennium
so such.

R Er vic. salutē. Prescipe Johān abbat de
A. q. reddat B. vult mel. cū vlti l. A. q.
B. pater p̄dicti B. cuius heres ipse est de
missit C. quidā abbati et suce, suis abbatibus
de A. p̄dicta ad inueniēdū quēdā monachiū
animab? p̄dicti B. et hered. eiusdem A. in ab.
A. p̄dicti diuina celebrat. Et q. ad p̄fectū B.
restiti debet p. formā statuti de cōmuni consilio
E. n̄l Anglie super huiusmodi dimissione p̄
si: q. p̄dicti Johannes inueniēdū p̄dictum mo
nachum per biennium iam cessauit: vt dīc. C.
n̄l fecerit: sc. Ceter. sc.

Thys wryt lieth where a man giueth
landes to any church to finde for the
soule of hym and his ancestours and hi
berres, and candell or lampe before the
Sacrament to burne for a certeyne ty
me, or to do any almes, viz as to clothe
or fede certeyne poore people euery yere
or to do diuine seruise in any chappell for
theyr soules. &c. vrs. Thā yf p̄ said cha
ges be not done, and that a man mai not
fynde dyscres upon the grounde by two
yeres, then he or his heires shal haue the
sayd wryt after the sayd. if peres pass, a
gain

hzeulum.

Jo. crlitt.

gainst whosoener that is tenant after þ
cessour. And note þe: that these writtes
of latis may be made in the per, Cui, or
holl but I beleue þ thys wyrt may not
be made but in the fyrst degree. And the
proces as aloze is sayd.

Proces.

Addicion.

In a Cessant agaisst a prest of a chaū-
tra, supposiing that he holdeth the same
tenementes of the wyse of the bemaūdat
by the seruyces to syng euery sonday in
the pere masse and matins, & that he & al
his predeceßours haue holden the saide
tenemētes by such seruyces, time out. &c
the whych landes to them ought reuert,
so that, that he hath cessed by. ii. peres, &
so that, that the statut is, quod cōpetat
iure donatoꝝ aut eius heredi, & that he
hath not declared that it was donour, or
of whose gyfte he holdeth the lande; the
wyrt was abated.

Sp. 7.
R. 2.

A wyrt de contra formā collationes.

R Ex vic. salutem. Recipe J. abbati de M.
qd it. reddat B. annuū meū. cū pū in B.
... qd eisdē dñm collatū fuit in libtā elemos-
nā per predictū B. Et p per alienacionē p pre-
dictū abbatem contra formā collationis pze-
dictę inde factam in feodo ad prefatū B. re-
uertē debet per formā collacionis predictę: ut
B. nisi fec. ut supra. Teste r. c.

A wyrt de
Contrafor-
mā collati-
onis is
suche.

Thys wyrtte lyeth where a man gy-
ueth the landes or tenementes, or rent

brentum.

fo. clif.

And nat per: that when he hath reco-
uered agaynst an Abbot in thys wyte, &
hath a Scire factas agaynst the tenant,
he may trauers the accio of the demaun-
tant in the same point & was tried also
betwixt the Abbot & the lord, for that, &
his recouere bindeth no straungers but
menyes, as in other cases.

A wyte de forma donattonis
in the discondre.

Rex vic. salutem, Recipe I. quod iuste, et
reddat B. unū mess. cum pertinentiis A. &
C. debet B. et C. vras eius et hereditas
in corporibus ipsorum B. et C. exentibus. Et
quod post mortem dictorum B. et C. prefato B.
et heredi predictorum B. et C. per forma
donattonis predicti descendere debet. Et iura
heredit. et. Ceste. 10.

A wyte de
formado:
nacion en
le discondre
is such.

This wyte lyeth in case wher a mā
gyneth certeyne lands or tenemen-
tes, or rent in free marriage, that is
to say to a mā with his colin in marriage
to a man & his wyfe & to the heyres of
theyr li. bodies begotten, or to a mā & to
his heyres of his body begotten (males
or females) (if that mā or womā to whō
the land is so gynnē hath yssue of his bo-
dy & died, & a straunger abate, or yf & done
make a feoffment of those lādes by fyne
or wythout fyne, or yf he be dysseised of
those tenementes, or yf a mā those reco-
uer by desante in the kinges court, than
after

after the death of the same mā to whō
land is gyven, hys heyre of hys body
gotten shal have the sayd wryt. And note
ye: that tenementes in such maner gven
are called rayled lādes. And note ye, that
the heyre of suche tenants shal never
have other wryt of the possessyon of hys
auncestour, thā the sayd wryt, but of his
owne possessyon; he maye have assyse of
Rouel diss. or a wryt of Centre vpo dissol
son accordyng to his case, & the forme
in the discendze is the wryt of Ryght
the heyre in taylor. And note ye: that it is
a good barre in the said wryt to plead the
feoffment of the auncestour wryth a war
rancy, & that the tenant wyl aver that
heyre hath assz by dyscent in fee simple
notwithstanding the statute of Mestm. c.
Ca. 1. which beginneth. In primis dete
nimentis. &c. yf the heyre in h taylor hath
assz by dyscent vt supra, & he hath yssue
make a feoffment of the assz that is in
fee simple, & died though that his father
had assz by dyscent and was barred, the
heyre shal not be barred, for every heyre
in the taylor is pyue to recouer the lāde
rayled except that he hath advantage by
dyscent in fee simple. Otherwyle is whē
a man maketh a feoffment of the land
he hath in ryght of his wyfe in fee simple
that he holdeth by h courtely & dieth
and

and balne in fee simple descendeth to his
issue that is heyze to the wyfe, though y
the heyze sell the fee simple after, & hath
issue and died, that issue shalbe barred to
remaunde of the seyson of his mother: for
that, y his father was barred at one time
And note ye: that if the father tenaunt in
taille in possession enter in religyon and
be professed, his heire shal haue the sayde
waite, and shal say thus: Post q̄ pat suus
habitu religionis assumpt. ec. But if the
father make a feoffement afore the entre
in religio, the sonne shal not haue y sayd
waite durynge the naturall lyfe of his fa-
ther. And it is said that if the tenaunt in
taille die without issue of his bodye
the lande is reuer tyble to the donour,
yet the wyfe of the tenaunt in taille shal
haue her dower. Also it is sayd if lande be
giuen to a woman & to her heyzes males
of her body begottē, if she take a hūbāde
and hath issue female, & the wife dye the
hūbāde shal not holde the courtesy for
that, that it is impossible that the issue
female shal enherite, but if lande be giue
to a man & to his heyzes males, it is sayd
that if he hath issue male & dieth y issue
hath fee simple. And note: that a man
shall lay the takynge of the profit in a
feoffement in the descender onely in the
personne of him to whō the lande is geue

Natura

in the taylor, & the demandant in this ac-
tion shal make him selfe heire to the an-
cestour that was last seysed. And note ye
that if y^e tenā in tail hath issue a sonne
& a daughter by one womā, & a sonne by
another woman, & dieth the sonne by the
first woman entrech & dyeth seysen, the
sonne by the second womā shal enherite
and not the doughter, for he is moze wor-
thy of blood, & moze nere heire to the fa-
ther to whō the lande was geuen, other-
wyse is of lande in fee symple. And note
ye: howe the demandant may mainteine
the said w^{rit} where the tenant pleadoth
that the dono^r did not geue. &c. the deman-
dant may saye that he shal not haue his
auerment, for one J. D. impleded my fa-
ther, & he vouched the same J. and entred
into the warrantie, & pleded and lost the
same lande that now is in demande
gement. &c. And note ye: that in a sozmoⁿ
in the discender a warrant of any of the
ancestours by whom the heire made his
conuenance is no barre, except y^e he hath
lande in fee simple discended to the value

Addicion.

Lande was let for terme of lyfe, the
mayn^{er} in taylor, the tenā for terme
life dieth, & the tenant in tail, & hath issue
and dieth, & the issue bringeth a sozmoⁿ
the discender, & allegeth no esples in the
donor

B. 8
C. 3.

hzentam.

Fol. cliv.

honour, but in the tenaunt soz terme of
lyfe, & after his death in him in þ remain
der in taile, & the declaracion was chalē
ged, soz that, þ he alleged no esples in the
honour, & the exceptio was not alowed.

¶ Tenant in tayle exchanged the lande
called soz land in fee simple (by dede) and
bound him and his heires to warrāty, &
hath issue & dieth, & the issue bzingeth a
formedon & the tenant pledeth in barre
the dede with warrāty, & the lande take
in exchaunge by way of assise, þ was hol
den no barre, if the heire hath not occu
pled the lande taken in exchaunge after
the death of his auncestour.

An. 18.

H. 6.

¶ The tenant in tayle afoze the statute D. 44,
made a release soz terme of lyfe, & relefed E. 3.
afoze the stat that is a barre to his heire.

¶ In a formedon of rent, the warrāt of
the auncestour with asses is a good barre
yet the rent lyeth not in discontinuance
but at the wyl of the issue but it is þ tolp
of the issue to bzyng his action.

H. 33.

E. 3.

¶ Note ye: that if the wyse tenāt in taile
take a husband, and hath issue and afoze
the statute they both make a feoffement
in fee of the landes and dye in a forme
on the heire shall not be barred, other
wyse is if it had bene by fyne.

E. 4.

E. 2.

¶ A formed in þ disceder was brought
in a knyghtes fee, & the wyrt was chalē
ged

E. 10.

E. 3

U. 9.

ged

ged, soz that, that the fee lyeth not in de-
meane, soz he hath declared that the an-
cestour was seyled as of fee & of right,
layd the esples, as in homage, eseuag, re-
liel, warde, mariage and other maner of
yssues of knyghtes fee, as of fee & of right
and Gersozde sayd that a comon to a cer-
tain nobze of beastes noz anowso lyeth
not in demeane but a pzece qd reddat
and a wzyt of Wyght lyeth of a knyghtes
fee, & by demaunde of a knyghtes fee I shal
reouer by chaunce. xx. l. of rent. &c. and it
was said y he shal neuer haue other wyl

An. 19. C. 2

In a fozmedon the wzyt was chalenged,
soz that, that it will that A. & B. his
wyfe hath genē, exception was take, by
cause that the gyfte of the wyfe is boynd
durynge the mariage, & Herle sayd that
if the wyfe after the death of h husband
had confirmed the gyfte y was made by
her and her husbände, than the gyft was
made stedfast, & the wzyt was awarded
good, A. fozmedō was brought by J. C.
and J. his wife, as was sayde wpan the
sonne is seyled after the deth of his father
the wzyt shalbe. Et que post mortem
dictorū J. et B. filie hered pōiat J. defūcti
B. &c. so that they are seyled euery one
shalbe made heire to other, but whā they
were not seyled the wzyt shalbe. Et que
post mortē predictorū J. et B. filie.

brensum.

Fol. clb.

In a fozmedon in the discender by al **C. 17.**
sent of the parties a dede was shewed to **R. 2.**
proue the gyft, & it was such Sciante. &c.
¶ Ego hugo Blot dedi concessi. &c. hugoni
B. filius Hugonis B. & filiis suis masculis
de corpore suo legitime pcreatis ma-
neriū de B. &c. habed & tenend maneriū
predictū sibi, & filiis suis masculis de cor-
pore. &c. de capitalibus dñis. &c. Et quo-
mō diucius viret gaudebit in feodo & he-
reditate imppetuū. Et si contingat p̄dict
hugonē sine herebe masculo de corpore
suo legitime pcreato obire qđ ex uno ma-
neriū predict. &c. michi et hered meis re-
uertatur imperpetuū, & vpon this dede
it was demurred in iugement if the done
hath fee simple, or fee taile, & the opinion
of the court was that it was a good tayle.

TA wypte de fozma donationis
in the remayndre.

¶ Rex vñ salutē, Dicit. J. q. 11. reddat B. unum
mess. cū p̄tisi in R. q. B. debet D. & heredibus
de corpore suo exeunt. Ita q. si idē D. sine he-
red de corpore suo exeuntibus obiret predictet
mess. p̄fatis B. et hered suis remaneret. Et post
mortem predicti D. p̄fatis B. remanet debet
fōzma donationis predict q. eo predictus D.
obit sine heredum de corpore suo exeuntibus
obire. Et nisi fecerit &c. Teste. &c.

A wypte de
fōzma do-
nationis in
the remaynd
is such.

Thys wypte lieth where lande or re-
nemente is geuen for terme of lyfe,
or in tayle to a manne, and for default of

W. 14.

p̄flu

Parura

ysue of hys body to remayne to another man, as afore is sayd, in fee, or for terme of life, thā if the ternaunt for terme of life dye, or the ternaunt in taylor die without yssue of his body, & a straunger entre in in the remainder shal haue the sayd wryt. And in case that the remainder be granted in taylor & he in the remainder dyeth seised by force of the remainder, & yssue of hym in the remainder shal haue no wryt but a wryt of **Forced** in the disceder, but if he in the remainder was neuer seised, & issue shal haue a **Forced** in the remainder & not in the disceder. And it is sayd where land is let for terme of lyfe, the remainder ouer, and & ternaunt for terme of lyfe is impleaded, & bound to warrant his lessour, &c. and the ternaunt for terme of lyfe recover other lande of value, he in the remainder after & death of the ternaunt for terme of lyfe shal recover by a **Forced** in & remainder those landes so recovered, as well as if the ternaunt for terme of lyfe had continued in estate in those landes recovered agayn hym, for that, that the ternaunt for terme of lyfe recovered to & value by & same cause upon whiche the remainder was tailed. Otherwys is of a reuercion, for that he hath recovered by another dede & upon & dede by which the reuercion was granted.

granted, but if that tenat had bouched
him to whom the reuerciō was graūted
because of the reuerciō, and he had bou-
ched ouer the lessour, and had recouered
to the value, the reuercion shalbe to him
to whō the reuercion was graūted & not
to lessour. And note ye: if tenat in taile
make a feoffement wīth a warrāt, oꝝ re-
lease wīth a warrāt, & dye wīthout heyre of
his body, so that he in the remainder his
heyre to hym, he shalbe barred wīthoute
disceit of allez, soꝝ that, that this warrāt
is not restrained by the statute. And if
tenaunt soꝝ terme of lyfe make a feoffe-
ment wīth warrāt oꝝ release wīth war-
rant, & die wīthout yllue, so that he in
remainder is heyre to hym, in a fozme-
don in the remaynder he shalbe barred
by the dede wīth warranty, except that
warranty be defeted in the lyfe of the te-
naunt soꝝ terme of lyfe.

And note ye: that after the vīlew the Nota
tenaunt shalbe receyued in a fozmedon
in the remaynder to demaunde what he
hath in the remainder, & excepte that he
hath wīpyng to shewe, all tymes han-
gyng the plee he shalbe barred, & yet the
tenant may take no yllue vpon the dede
but ought to answer to the gyfte, & if the
sayd wīpyt be bꝛought by him to whom
the remaynder was capled after the death of

W. lly.

the

Ratura

The tenant for terme of life, if he demaundes symple, or fee tayle, he ought to lay the esples in the pson of the donour, as of fee symple & in the person of the tenant for terme of lyfe as of freehold, but if he demaunde by remaynder, but for terme of lyfe he shal lay the esples only in the person of hym that made the dede.

Addicion.

D. 29
D. 5.

Ef the remainder be tayled to a woman and she take a husband, the wyrt shal be remanere debet, to the husbunde, and to the wyfe, & so is of a fozmedon in the uertour, but in a fozmedon in the disceudre it shalbe to the wyrt onely.

D. 70
D. 3.

In a fozmedon in the remainder, the tenant demaunded what he had of the remaynder, & so h other sayd h he bzought assise of Pouel disc. of the same landes, the tenant in the assise pleded in barre, and he made tytle of the same gylte, & the gylte was founde, the demaundant was iudged pson able by h recouere to maynteyne this accion wout shewyng other ded, & yet the pleyntyfe toke nothyng by the assise, for that, that it was founde, the pleyntyl was not disseyled.

Dn, 36
D. 6.

In a fozmedon in the remaynder, the pty nede not shewe no dede vnto the pertye demaunde what he hath of h remainder, but if executors bzynge an accion they

Primum.

Fol. clvii.

they ought to shew the testament wout
delyze of the party detendaunt, for the
court shall not holde plee, except that the
testament be shewed, & that in dette.

**¶ A wyzt de forma donationis
en le reuenter.**

Rex vlc. salutē, p̄rec. A. q. 11. redd. B. vñd. A wyzt de
mel, cū pertīn in R. qd Epater p̄dict B. forma do-
cūis heres ipse est dedit D. et. A. vroz nationis
cūis, et heredi de corporib⁹ suis exeunt. Et q. en le reuē-
post mortē ipsorū D. & A. ad p̄lat B. reuert de-
bet per formā donationis p̄dict eo q. p̄dict D. eis is lach.
et A. obierūt sū heredi⁹ de corporib⁹ suis ex-
eunt vt dic. Et nisi fecerit, 11. Teste. 11.

Thys wyzt lyeth wher lands or tene-
mentes are gyuen in the taylor as a-
foze is sayde, yf the tenant dye wythout
p̄sue wher there is no remaynder, and
a straunger entre in the sayd tenemen-
tes, p̄ donour or his heire shal haue hys
recovere by thys wyzt. And note ye: that
this wyzt lyeth after the death of no te-
naunt, but after the death of tenaunt in
taylor. And note ye: that in thys wyzt the
espleys shalbe layde in the person of p̄ do-
nour, & in the persō of the done. And the
Proces in these. iiii. wyttes is Somons Proces
graunde Cape and petit Cape.

Addicion.

**¶ In a Formedon in p̄ reuenter the te-
nanc sayd, that the gift was made to the
done & to hys heires, & assignes iudge-
ment**

**E. 2.
H. 6.**

Partura

ment of the accion & that was holden no
plee wythout trauersyng the gyft.

In a Formedō in the reuenter, the te-
nant sayd that h gyft was made to him:
to whom ye suppose the gyft in fee wyth
warrant iugemēt if cōtrari the dede. &c.

Note ye, that yf h donour hath yllue
ii. sōnes, & the eldest sōne dye wout yllue
in the life of the father & after the father
dyeth, yf the yongest sonne byyng a For-
medō in the reuertour, he shal not make
mencyon of hys bzoother, excepte that he
survuyued hys father.

A wyrt de Particione faciēda.

A wyrt de
Particio-
ne faciēda
is such,

Rex vic salutē, Et A. fec. tunc luff. &c. B.
q sit &c. tail die ostensū. Quare cū idē A.
et B. in luff et pzo inditū so tenēt quē-
dam bolcū in A. cū pētū de hereditatē: q fuit
A. patris pzedictorum A. et B. vius herēd ipsi
lunt in A. idē B. parutionē inde int eos scdm
legē et cons regni nostri Anglie faciēdam con-
tradit et eā fieri non permitit min⁹ iustis: ut
dic. Et habeas tbi. &c. Certe, &c.

Thys wyrt lieth in case wher a mā
is seyled of landes & tenemētes in
fee, & hath two daughters & dieth,
oz seyled of lande in Gavelkynde & hath
yllue. ii. sonnes & the one wpll not make
particio of the landes so disceded, the o-
ther that wpll make particion, that haue
this wyrt agaynst her, oz him that wyle
not, soz that, that they are heyres to the
said

sayd man soyntly. &c.

Addicion.

¶ In a Perticione faciēda agaynst T. In, 391
and A. his wife of land that disceded to P. 9.
thē as collins & heyyes to one K. & tenant
sayd that K. in hys lyfe infeoffed one J.
in fee, whych J. infeoffed the laide T. in
fayle without that, that the pleyntyfe, &
A. wyfe of the sayd T. helde in comon oʒ
vndenided the day of the wʒt purchased
oʒ euer after, and thys is a good barre.

¶ In a Perticione faciēda of land and 99.4.
rent, the tenaūt sayd that the aūcestour 9.7.
enfeoffed a straunger of the land whose
estate & tenant hath, & as to & rēt, he said
that he was sole tenant, without that, &
he holdeth vndenided, & the ple was cha-
lenged in so muche that he is no tytle to
the lande by anye feoffement noʒ other
tytle and shalbe intended tenaūt as the
wʒt supposeth, & the oppinib was that
the plee is good.

¶ Note ye: that it is sayde, that tenaūt 99.5.
in comon ne soyntenaūt shal not be cō- 9.4.
pelled by the law to make particion, but
yf it be made by agrement it is good as
wel wythout dede as wyth dede.

¶ A wʒt of Perticibe faciēda brought 9.8.
by the husbānde & the wyfe agaynst the 9.3.
other percener, & declared how the hus-
bānde & the wyfe as in the ryghte of the
wyfe

Natura

wyse, & the other pceuer helde in comon
certeyne lande & coueyed the discent fro
the comō aūcessour. &c. the pceuer came
by Gardeyn: for that, that the was with
in age, & myght not deny that they helde
in comon bi the maner but Herle said, y
he could not se how the particiō can bee
made long as the is wythin age by wyse
but out of the court it may well be as in
the countre: for that, that the may defeat
it when the wyll.

A wyrt de Premunire facias.

A wyrt de
Premunire
facias
is such,

Rex vic. Cantuar salutē. Cū in statuto in
parli amento dñi regis Anglie scdo apud
W. intō. Anno regni sui. 16. tento edito in
cetera ordinatū sit & stabilitū: qd si aliqui impe
trauerit aut psecutus fuerit seu impetrari vel
psequi fecerit in Curia Romā vel alibi aliquos
pcessus scias, excomunicatōdū bullas infra
mēta, vel alia quecunq que tangūt nos, corō
nā regaliā, seu regnū nrm et illi qui ea in dictū
Regnū nrm de tulerit, aut ea receperit, vel idē
notificatiōē, seu aliā executionē quācūq infra
idē regnū nrm seu extra fecerint: ipsi notari, p
curatores, manētōres abiectores sanctores, vel
cōsiliarii sui extra ptectionē nrā ponant: & ter
er: tenemēta: bona & catalla sua sit nobis possi
sār. Et q ipsi p corpa sua attachētur si pot
erint inueniri, & corpa nobis & cōsilio nro duc iene
ad respōdēdū ibidē super casibus supradictis
vel pcessus fiat versus eos per Premuniē fac.
modo q ordinatū est in aliis statutis de pmissi
ribus et aliis q in alienis cū in de rogationē
regis nostre Cōsequitur possit in statuto p dñe

bzeusum.

Fol. cliv.

eto plentia cōtiet. Itaq̃ exgrati querela w. de
C. accipiemus: q̃ licet cognitiones p̃litorum
trāgressionū: tēptū aliozūq̃ laicozū cōtrad.
tū quozū eunq̃ intra R. nēm Anglie qualiter
eunq̃ facit et p̃petrat ad nos, corōnā & dignitas
et n̄as specialiter t̄tinet. Quidē iamē Rober
tus L. nup̃ de w. in com̃ tuo statutū p̃dictū mi
nime ponderans machinā nos et corōnā n̄am
exheredat & cognitionē h̄nōt p̃litorū trāgres
sionibus que ad nos & corōnā n̄ā sic p̃tinet ad
illū examē extra regnū nēm p̃dictū trahere & p̃
dictū w. ac alios de subditis n̄is in debite p̃es
grauare & aduersus curiā Rom̃ se diuertere bat,
& ibidē absq̃ licētia n̄a ad huc residat q̃ p̃ plu
res p̃essus sententias & citationes verē ipsū
w. ad ipsū w. ac alios de subditis n̄is p̃dictis
erirat nēm p̃dictū trahēdū ad respōd. p̃esatō.
p̃posito indicā eū Rom̃ extra Regnū n̄e An
glie de quibū dā transgē sibi (vt dic̃) illatis ac
quā plura alia nobis & corōne n̄e p̃iudici alia
ibidē p̃secutus fuit eaq̃ per J. R. nup̃ de R.
Gen̄ apud w. p̃onunciari, publicari, notificā
ei & eū de mandari fecit & fieri p̃curauit
in n̄i cōtēptū et p̃iudiciū et exheredationes
corōne n̄e p̃iculū manifestū, et ipsius w. dāms
nam non modicum & grauamen ac contra v̄lū
formam & effectum statuti p̃dicti Nos statū il
lud inuolabit̃ obseruari, & illud impugnantes
iuxta eozū demerita castigari volentes & p̃u
niri. Et quia p̃dictū w. fecit nos secū de clauē
suo p̃iōt p̃ J. B. L. D. de f. tibi p̃cipimus q̃ p̃
bonos & leg. hōes de balliua tua p̃emūne fac̃
p̃esatē p̃epositū & J. R. p̃curatorem, manu
tentorem fauorem, cōsiliarū, auxiliatorem, et
oblectatorem ipsius p̃positi in hac parte: quod
tunc sint eozū nobis a die pasche in. xv. die
bus

Natura

Uns vbiq; tūc fuerimus in Anglia ad respon-
dum tam nobis de contēptu & pūditiōe p̄dicto
p̄fato m. de dāpnis et iniuriis sibi in hac
parte illatis. Et ad faciendū vltēius et recipi-
endū q̄ eū nostrā considerat in p̄missis Et ha-
beas sibi nōmina eorū: p̄ quos eōs p̄mittit fac
et hoc breue, nos de die et loco quibus dictā bre-
uiciōnē sibi feceris sub sigillo tuo distincte
et aperte tūc certificās. 16. Ceste, 16.

Thys wyrt lye the where any prouy-
sour suethe proces to the courte of
Rome agaynst the p̄sente of the kyngē
oz of any other parson, than the p̄sente
of the king oz other patrō thal haue this
wyrt which thalbe directed to the thyrz
cōmaundynde him to warne the prouy-
sur, that he destrube not the p̄sent of the
kyngē, oz of any other parson. Also these
prouysours procuratours & notares thal
be attached by theyr bodies, & put in p̄-
son vnto such tyme that they haue made
fyne & rāulome to the kyngē, & gre to the
partie. And after ȳ they haue made rāu-
some, & gre yet afoze that they be deliue-
red they thal fynde suerte that they thal
not sue by thē selte ne by other in ȳ court
of Rome ne other places for suche impi-
sonment, & rāulome. And if those prouy-
sour attornes, exrecutours, pcuratours
notaries may not be founde, then the Cr-
iget thalbe awarded agaynst thē & a wyrt
thall

shal go to take theyr bodyes aswel at the
fuyt of the partie as of the kyng, & in the
meane tyme the kyng shal haue the pro-
pyetes of the sayd benefyce so by such pro-
pyetours occupied except of abbelles, pri-
ours, and other houses that hath colege
or couent. And that is gyuen by the sta-
tut de An. xx. C. iiii. in the myddes. Like
moze of this matter in the laste chapter
of the same yere. And also in the. xlvii.
yere of the same kyng.

Addicion.

Note ye: A Quare impedit brought
by the king, & he declared that the defen-
dant him disturbed by prouision sued to
the court of Rome, & are at issue vpon that
point, and founde for the kyng, yet the
ingement shal not be gyuen accorpyng
to the statute, nor the pris shall not haue
the payne that is gyuen by the statute, but
it is greute evidence in the other wytte
brought vpon the statute.

Note ye: by the oppnyon of manye a
man may haue this wytt agaynst one, as
procuratour agaynst another as coun-
sellor, and agaynst the thyrde attorney
and the damages shalbe tart senerally.

**In this wytt some made default, and
some appered: and for that, that the wytt
was nought it was abated, and no inge-
ment**

ment gynn against the that made defame
And the Statute is in curia Regis vel alibi
the whych alibi is to entende in the bys
shoppes court, for if a man be sued there
for a thyng that belongerth to the comon
law, he shal haue a Wemunire.

¶ 9.
C. 4.

¶ And note ye: that it hath bene opint
on of manye, that if a clerke sue another
clerke, or other mā in the court of Rome
of a thyng spiritual wher he maye haue
remedy of that in his ordynarwes court
wthin the realme, y is wpythin the Statute,
but I beleue that it is no law. If a lord
in courte baron holde plee of dette of. xl.
s. or aboue whyche oughte not to be de
maunded but in the kings cour, it is sayd
y lord shalbe in case of a Wemunire.

¶ A wpyt de Quare ei defozc.

¶ A wpyt de
quare ei
defozc is
suche,

Rege die, salutē, Precipe A. q. r. redd. B. hnd
:: mesu. cu pti in A. qd clamat esse ius de ra
tionabili dote sua vel q clamat esse ius ad ma
tagium suū: vel q clamat tenere sibi et heredi
corpoze suo exent: vel q clamat tenere ad ter
minum vite sue r q id. I. ei defozc. Et nisi. se.
nō dicat intusse defozceat, quare le intusse non
habetur in statuo. Nota q p tenere per legem
Angle nō continet bte in statuto sicut alibi pos
test manutere p illud statutu in consimili casu.

T Hys wpyt lyeth whers tenaunt in
taylor, frāke marriage, dower, cou
tely, tenaunt for terme of lyfe, for
terme of another mans lyfe loseth by de
faute

breuement.

Fol. clx.

ante their landes, then them selues shal
haue this wryt against him that recou-
red, or against his heire, or against what
person so ever be in the tenancie. And note
ye that this wryt in his nature is a wryt
of Ryght for the sayde tenantes, for
a wryt of moze hie nature then this may
they not haue for their tenementes. And
note ye: that this wryt lyeth for no other
person but for him that lost the sayd lades.
And is genen by the Statute of Westm. ii.
Ca. iii. in the ende: And the Proces is for
mons graunde Cape, and petit Cape.

§ 1000

Addicion.

Note ye: that vpon a recouere by de-
fault in a wryt of wass a *Quod desozc.* lieth
not but a wryt of *Disceyt*.

§ 21.

§ 6.

If landes be let to a woman sole for
terme of lyfe with warrantie & she taketh
a husband & they lose by default, a *quod ei*
desozc. lyeth not durynge the lyfe of the
husbande, for the wryt supposeth y they
hane lost wher the husband hath nothing
but by reason of his wyfe so was not he
tenant for terme of lyfe, & also they shall
not haue the boucher, for the wryt suppo-
seth *quod clamat ad vitam* of the wyfe, in
whiche case the Statute geneth no suche
bouches but wher the tenant by cour-
tesy, in talle, or for terme of lyfe lose. &c.
and the husbands is none of those. But

§ 4.

§ 3.

§.j.

in

In this case the wyfe shall haue a Cont
bitta after the death of the husbände, but
if they had had a ioyne estate, than the
Quod ei desozc. lyeth.

W. 46
C. 3.

A man hath yllue. ii. sones, & is seyled
of lande capled in Gauekynde that is ge
able betwixt betres males & dieth, & they
entre and lose by defaute, they shal ioyne
in a Quod ei desozc. and the wyfe shalbe,
quod clamat tenere sibi & heredu de co
pozibus eorum. &c. And yet it is imposs
ble y they shal haue yllue betwixt them.

W. 29
C. 3.

And note ye: that the demandat shall
not declare of whose gyft noz the tenant
shal not haue hearpyng of the recozde, if a
mā reconer by defaut in a Scit fac. But
of a fyne agaynst tenant in caple, and he
brought a Quod ei desozc. and the other
maynteyned the title of his first wyfe,
tenannt in taile may bouche, & yet in the
Scire facias nisi, no boucher lyeth. &c.

A wyfe de warrantia carte.

A wyfe de
warrantia
carte is
suche.

Rex vlc. salutē. Hec. A. q. iuste &c. warrantia
A. vnum med. cum ptit in C. q. de eo tenen
clamat et vnde cartā suā habet. ut dicit vel
vnde cartā C. patris matris, fratris, sororis
sic de singulis cuius heres ipse est: ut dicit. &c.

Thys wyffe lyeth where a man hath
Tenescotted me in certayne landes
tenementes with clause of warrantia
releaseth, oz confirmeth my estate with
clause of warranty, & the tenant is im
pleaded

Incusum.

Fol. clxv.

pleaded of the same landes, or tenementes
of a strainger, than yf the tenaunt maye
not vouche to warraty, he shall haue the
said wryt against his scoffer or his heire.
And note yf that if this plee be not bego
buryng the first action, the tenaunt shall
be barred for ever to haue his wryt, Que
re. And the Proces is in this wryt Dom
mons, Attachement and distress infinite
and if he come and pleade, & after make
defaut, than shall go the graund byssres
in the place of the petit Cape.

Process

Addicion.

In a wryt of Warrant of Chartours, y
pleyntife declared that y defendant him
enfeoffed, & that he was impleaded, & he
prayed the defendat to warrant. &c. And
the defendant said that the pleintife was
not tenat the day of the wryt purchased
iugement. &c. And the pleyntife said that
he is tenant of the lande, & hath the dede
of the defendant, & that was allowed, but
he was cōpelled to say that he was tenat
the day of the wryt purchased. &c. But if
he had sayd at the firste, y he was tenant
by his warrant the day of his wryt pur
chased, that had bene very good to dereligi
ne the warranty.

C.3.

C.4.

If a mā recover a warranty by a wryt
of Warrant of Chartours, & after he is
impleaded in such an action that he may

Ex. g.

vouche

Statuta

bouche, yf he bouche not he shall not recover in value by force of þe warrantment of the warrant, & it was sayd, that yf tenaunte in taylor of rent charge releffe the rent to the tenaunt of the lande, and the tenaunt make a scoffement of the lande wiche a warrant, the warrant extendeth to the rent: for that, that the tenant was seyled of the land dyscharged.

¶ A wryt de Diem clausit extremum.

A wryt de Diem clausit extremum is suche.

Rex dilectis et fideli suo B. escat toxi suo in com. salutē. Quia B. de B. que de nobis tenuit in capite Diē clausit extremū: vt accipimus: vobis mandamus: qd oia terrē et tēsi de quibz idē B. de B. fuit seistus dilectio suo: vt de feodo in balliua tua die quo obit sine dilac. capias in manu nra, et ea tibi saluo custodiē fac. donec aliud tibi mandā et per scēm pbot et legat. hominū balliua tua qd quos rei veritas melius sciet poterit diligēt: inquiras quantū terrē et tēsi idē B. de B. de nobis tenuit in capite tā in dilectio qd in feudo. in die qd balliua tua diē quo obit et quantū de alijs et qd qd scierit, et quantū terre et tēsi illa valeant p annū in omnibus exitibus et quo idē B. obit, et quis propinquior heres eius sit cuius etatis. Et inquisit. inde diligēt et agas fac. nobis in cancellat nostra sub sigillo tuo sigillo eorum per quos factū fuerit sine dilac. mittas: et hoc bñ. C. re.

¶ This wrytte lyeth by the Statute of Mart. Cap. xvi. whiche begynnet. Si aliquis heres. &c. where a man be

dey

hrentum.

Fol. clxiii.

with his lande of the kynge as of his
croune by knyghtes seruyce, & dyeth, he
that is his next heire or any man for the
kyngh may sue this wryt to the eschetour
of the same countie wher the land lieth
and he shal enquest who is his next heire
the quantite of the landes, and the value
in this wryt is no proces, for it is but a
wryt of office.

Addicion.

Note ye: that if it be founde dyuers D. 33
offices in diuers counties. s. in one coun- D. 6.
tie that the heire within age, in the other
countie & the heire is of ful age, that, that
is best for the kyng shalbe taken and the
heire shall have no trauers to that.

If a man hold of þe king by homage & 44. H. 1. c.
take for all maner of seruices and dyeth
his heire of ful age, & sue a *Die clausit ex-
tremū*, & it is founde afoze the eschetour
that he holdeth of hym by homage sealte
and. xl. l. if he sue liure accoꝝding to the
enquest he shalbe cōcluded during hys life

And note ye: that there is fīue maners In. 4.
enquestes ordeined after the death of þe D. 7.
longes tenant. One is the *Diem clausit
extremū* & that is imediate after þe death
of the tenant. The second is *Relius in
quiendo*, & that is where the eschetour
of the tenant in the *Diem clausit ex-
tremū* dyeth, or where the *Diem clausit ex-*

Relius

extremū

Natura

treumum is not returned. The thyrde is
 Que plura, and that is where any lande
 is let out. The fourth is Denegatur, &
 that is where the warde dyeth. The fifth
 is Madamus, and that is after the ptre.

A wypte de Cate pbanda.

A wypte de
 Cate pro
 bonda is
 such.

Rex excoator suo in casu D. salut. Certe w
 B. filius A. de B. que de cast. nostro de B. in
 aut q. servit. militis dicat se plene etatis esse et
 petit a nobis terras et res suas, q. tunc de heredi
 sua tibi reddi: q. volumus q. idem w. apud C. par
 et in ecclesia eiusdem ville baptizatis fuerit: de illis
 etatis sua pbet coram te tibi pceptum: q. ad certos
 dies & loca quos ad hoc pvideris pbatum illam
 p sacm tu militu q. alioru pboru & legatu homi
 de balliva tua q. quos pbatio illa cap. v. m. m.
 erat pbat meli. scire poterit et inde capias. et p
 batione illa sic cap. nobis sub sigill. tuo & sigill.
 eoru q. quos cap. fueris cu dilacione mitti, et hoc
 breve. r.

This wypte lyeth where the heire of
 Kinges renatit by the wypte aforesaid
 is found with in age, & when he cometh
 to his full age he shall have this wypte
 whereby he shall pzone his full age, and
 and this wypte hath no proces for that
 it is a wypte of office. And note ye that
 those of the chancery holdeth for law,
 if the heire sue his landes out of the kin
 ges handes, which was seyled by reason
 of his nonage, & he ought sue this wypte
 in every county where y he is found with
 age, as it appereth. L. r. C. 7. And note
 pe.

hzenium.

Fol. clxlii.

per that every one that passeth in this enquest shalbe of the age of. xlii. yere at the least, so that he was of ful age at y tyme that he sueth the wyrt was bozne.

¶ A wyrt de Quo minus.

Ret vñ sola tem. **P**rec. tibi q nō permittas fac, vñ sen destructionē in vñs ipsius in **R. quo minus** **R.** rationabile estuarū suū in vñs illo habere possit, sicut illud habere debet et solet, vt dic. et sicut rationabilē, et. **R.** am. pñ inde clamor and y defectu iusticie, **C.** et. **R.**

A wyrt de Quo min⁹
is suche,

This wyrt lyeth where a man hath graunted to another Husbote or Haybote in his wodes to take every yere, & he that graunted may not haue his reasonable Estouers, than the graunte shall haue this wyrt, and it is the nature of a wyrt of **Wass**: And the **Proces** is **Attachement** and a **distres peremptory**.

Note ye: that **Husbote** is called certaine **Estouers** in another māns woddess to amende a house. And **Hephbote** is called certaine **Estouers** to amende hedges

¶ A wyrt de Ad qd dampnum.

R. tali extractoꝝ talis com precipimus tibi quod per sacrum proboꝝum et legalium hominum de ballina tua per quos res veritas melius scire poterit diligenter inquireas si sit dampnum vel preiudicium nostrum vel alioꝝum. si concedamus dilecto nobis in **Chisse** nostro et fratribus sancti **Iohannis** **Terlm** in **Anglia** qd pñ vñum totum cum pñ in **R. p** **feoffmentū**

A wyrt de ad qd damp
nū is suche

Natura

¶ Et una acra terre cu pñi in **W. p.** feoffmēt **W.**
que eide mē et fēs de pñctio. ¶ Et **B.** post **W.** de
fēs et testis ad manū mortuā nō ponēd edic ab
questiōe ei que occasione et iudē Natutū nostri
cepit in manū nostrā tenere posuit eide ma-
gistros et fratibus et succ. suis imperpetuū in
ta formā feoffamentorū pñctiozū. nec ne si tū
ad dāpnū vel pñdiciū nostrū vel aliozū et quos
qualit et quomodo. et de col^r feodo totū illud
et terra sunt. de qua vel quibus teneant: et per
q^r servit. et quantū valent per annū in omniū
exis. Et si terre et tenementa pñdictozū ¶ Et **B.**
si remanēt ultra pñdicta terras et testis **W.** et
et fratribus pñctis sic adqueſtūe suffic. ad ser-
uit. et collat tam de pñctis tenementis sic ad queſ-
quam de testis pñctis ¶ Et **B.** et testis debet
fac. et ad omnia alia enojūta. Et quod rem
¶ Et **B.** in alia. et. p. ut nō feoffamentū pñcti
poni consequerunt. Ita q^r prima p feoffamenta
illa in ipsorum ¶ Et **C.** defectum magis solito
oneretur sue grauetur. et inquis inde diffiniri
et aperte facta nobis incant. nostra sub sigillo
suo et sigillis eozum per quos facta fuerit sine
dilatione mittas. Et hoc bene. Testis. et.

This writ lyeth where a man selleth
or giveth lande or tenemente to any
house of religion in Mortmain, at the be-
gynnyng it is convenient that this writ
be sent to the shereve of the same coun-
tye where these landes, or tenementes
are, to enquire the extente of the landes,
and what pzeiudice shalbe to the hpyng,
and to the chiefe lord, yf they be solde to
Mortmaine. And whan the Shereve
hath enquired these pointes & other cir-

brensum.

Fol. clrb.

chawncers cōpyled in the wyrt, he shal
retourne þe wyrt accordyng as it is found
by the enquest, & after that, he shal make
tyme to the kynge for the alienacion of þe
landes & tenementes. And than he shal
have a Chartour of lycence. For the sta-
tute de religiosis: wyll that no man shal
sel landes or tenementes to mortmaine,
ne no mā shal take landes in such maner
and yt he do the lande shalbe seised in the
kynge's hande, as escheyr. Et vide Ma-
gna Cart Cap. xxxvi. to whiche begynneth.
Non liceat alieni. &c. And the statute of
West. ii. Cap. xxvii. which begynneth.
Cum vult religiosi. &c.

CA wyrt de Quo warranto.

Rex vic. salutē. Dum ꝛ honos sum ꝛ ꝛ sit to
gram Justic. etc. apud westm tali die ostend
quo warranto tenet vici fraci plegit in villa de
A. in pꝛejudicij hundredi nꝛi de A. sine licentia
et voluntate nꝛa vel ꝓdecessorū nꝛorū quondā
regis Anglie: et emēdas ꝓꝛo trāsgꝛēssis panis
et carnerie in vādē cepit in ꝓudicium nꝛū dñi
modicum et gravamen. vt dic. Et habeas ibi
iust. et hoc hanc. Certe. &c.

A wyrt de
Quo war-
rante is
such.

This wyrt lieth wher a man busi-
peth certeyn franchises against
the king, as to have waiffe, fraiff
market, sayre, court barō, or other such
lyke wout good ryle, & without the kin-
ges licence, and that be presented afore þe
Justices of Eyre when they are in those
parties

Partura

parties where such franchises are usurped, then shall go the foresayd writ for hyng to the Wyrtle, that he cause him to come that hath usurped the franchises, at a certayne daye afore the same Justices and yf he may not shew a good warrant; that he come nor, then the kynge shall take fro him his franchises. And now is that this wyrt may not be determined afore any Justice but the Justice in Ciro and no proces lyethe in this wyrt but he shalbe warned vpon his paryl.

Addicion.

h.8.

h.4.

E Note ye yf the kynge graunt to any man franchises to haue a Gaole, if he wil not make cost to haue deliuerance, but holdeth the people in prysso that are take for suspect, the kynge hath cause to seale the franchises in his hand though he let with in his franchises, so that he may enquire of such felones, he hath no power to deliuer the, but they ought to be deliuered afore Justices of the Gaole deliuer

**3.22.11. of,
philo, 34.**

E If a man hath a market to hold every weke of the friday, & he holdeth the market both of the fryday, & of the monday in this case nothyng shalbe forsaied, but that, that he hath usurped, but yf a man hath a sayre to holde .iiij. dayes, & he holde the sayre .iii. dayes he shall forsaie all

bzentum.

Fol. clxvi.

al for that, that he hath misused the fraunches and if a man hath a sayre to holde þe fryday, & he that holdeth on the monday the fraunches is so fast, and he shal make fyne for the mysuser.

¶ A writte de Idempnitate nominis.

Rex Theob et baronibus suis, salutē cū A. per carta nraam distringatur in com. h. ad saluēdū dī marci ad opus nostrū: per q. hē in Cane. nostra p. ipsū A. impetratū. ut dic. Si dē A. nullū hē in Cane. nra pro fine nobis p. pte et impetrant: sed p. idēpitate cuiusdā hominis idē nomē et cognomen portantis eodē com. existent per ministros eiusdē vic. ad eandē pecuniam nobis prestandā distringatur: vīm asserit vobis mandamus q. fiet super diligent inquisit. si inuenerit ita esse tunc ministros predictos ad distringendū predictū p. occasione predicta de cetero faciendum disti. fac. Et disti. si ex ea occasione feceritis sine dilatione deliberari fac. it. Telle, it.

A writ de Idempnitate nominis is suche.

¶ This writte lyeth in cas where any writte of Det, Trespas, Couenant accompt oz any such like is sued against a man, and another mā (þ hath the same name as he hath against whom the writ is brought) be take for him, then he that is so taken shal haue this writ, by vertu wherof the thyfthe shal make enquire a fore Justices assigned in the same countie pf he that is so take oz distreyned be gyltye oz not, & pf he be not gilty, he shal go quyt, And pf he be gilty, as the writ supposeth

Natura

polet, he shall answer the party þ sued
the first writ, & in the same maner may
this writ be sent to the Justices of þ co-
mon banke, oz to the tresourer & barons
of þ Eschequer & to eschetours. vi supra.

A writ de
Recto sur
disclayme
is such.

A writ de Recto sur disclayme.

Rex vic. salutē. Done ad petitionē petēti-
corū Justitiarū apud Westm. loquellā, que
est in eodē tno, per breve nostrū inter B. et
W. de averiis ipsius B. captis, et iniuste deten-
tis ut dic. Et factū, et p̄dictū B. q̄ tunc se ibi
p̄fatorū B. ad respondendū et servitū sibi debitorū
facere Et habens, et, teste, et. Cū ita clausula,
quātālto dicit in feodo suo p̄p̄ cons. et servitū,
sibi debitor, et.

This writ lieth where the lord in
the hynges court, s. in the comon
place anowe bpō his tenant, and
the tenant disclayme to holde of hym,
bpō this disclaymour the lord shal have
this writ, & if the lord may aver & p̄one
that the lande is holden of him he shal re-
cover the land for ever, but where the te-
nant disclaymeth in court baron, oz in
the countie, the Lord shalbe amerced, &
shal not have this writ, for that, that the
disclaymour is not of record, and al this
p̄oneth the Statute of Westm. ii. Ca. ii.
which beginneth. Quia domini feodo-
rum, et. And the Proces is this writ is
Somōs, graunde Cape, and petit Cape
Addi.

Proces.

beniam.

Jo. clrbll.

Addicion.

¶ Note ye: in what wyte dysclaymour lieth: in a Per que seruit. y tennaunt shal not disclayme, for the demaundant may not recover y lade if it be sounde against the tennaunt: for that, that he demaundeth nothyng but artoznement.

¶ In a Cessant the tennaunt shal not disclayme, but he shal saye that he holdeth not of hym.

¶ Note ye that in anowry the husband and the wise may not disclayme, and for that the wyues lande shalbe lost.

¶ Note ye: that he in the reuercion and the tennaunt for terme of yeres maye disclayme ogaynst a bayle.

¶ Note ye that the tennaunt in fee simple may not disclayme against the tenat for yeres of the leygnoy.

¶ Here begynnethe the Iudiciall wyttes that are grounde vpon recoveres in the sayde wyttes.

¶ A wytt of Scire facas.

R Er bit, salutē Cū h. R. in curia, sc. tali die y A wytt de anno recogni se deber. A B. C. R. quas et red disse debuit in festo Martini tunc p̄p̄ri, de quib et idē h. R. p̄dēo. C. R. eidē A. nondum reddidit p̄p̄ri ex graui querela ipsius A. accipimus. Et q̄ volum⁹ ea in deā cur nostra recte acta sunt debet executiōi demandari tibi precipimus q̄ per p̄bos. sc. Scire fac p̄dictū h. R. y sit coꝝ, sc. tali die, sc. ostensum si q̄ p̄ se habeat

beat v^r dⁱc^t sciat q^ue p^rebetur C. li. de terris et
res sua in dⁱst^ricta sua fieri p^rdicto S. v^r dⁱc^t n^r
debeat si sibi videret expedire. Et h^eas t^ui n^r
mⁱno c^op^u p^r quon et scire fecisti. Et hoc p^rte C.

This wytte is Judicial, and lyeth
where a mā hath recovered det^r or
damages by iudgement in the kyn-
ges court, & goeth out of y^e reco^rde after
the yere and day of the fy^rste iudgement
thā so^r that, that it may be suppoled that
he hath made release or other acquitāce
of that, that he hath recovered, he shall
haue this wytt, by which wytt the par-
tye shalbe warned that he be afoze y^e Jus-
tyces at a certayne day to shew wh^y ere-
cution of the iudgement shal not be made
& if he come not at the day, or yf he come
and can nothing say, but that execution
shalbe made acco^rdyng as he hath reco-
uered then he that recovered shal haue a
wytt of fieri fac. to the Sh^riffe that he
make execution of the iudgement to the
pleintyfe, & y^e is by the stat of Westm. ii.
Cap. xlv. whiche beginneth. N^usa de hy-
que reco^rdata. &c. And that wytt that no
proces nor delay be in the sayd wytt, & of
that, y^e is founde inrolled afoze the Just-
ices of the com^o bank as of synes leuped
contractes, obligations, & recognisanc-
es that ate recovered afoze them, & en-
rolled in the kynges court, the partye y^e
is

beniam.

fo. clxxv.

is greued nebe not sue a wryt at the com-
mon lawe, but he may go to the recogno-
und yf the recognisance be wrythyn the
pere & a day, then he shall haue a wryt of
Execution to execute the same recogny-
fande that was made afore the Justices
of record, and yf the pere & the day passe
after the cognisance made, then he shall
haue a Scire fac to p hyzisse p he cause
the partye come at a certayne daye, as it
appereth by the sayd statute.

Addicion.

Pote ye, the in these cases a man shall **20.38.**
haue a Scire fac. wthin the pere. If a mā **C.3.**
reouer bet against a womā that is vn-
married, & wthin the pere she take a hus-
bande, in this cas he that reouered shall
not haue a fieri fac. for he mai not in ex-
ecution of the goodes of the husbände,
but he shall haue a Scire facias.

If a mā of religion reouer damages **20.24.**
& dyeth wthin the pere, hys successor **C.3.**
shall haue a Scire fac. & not a fieri fac.
as thoughe that it be wthin the pere.

Pote that it was sayd the a man shall **10. C.1.**
not haue other execution of rent seruice **10. C.1.**
reouered, but to distreyne qre A. Scire **10.5.**
fac. brought agast. ii. of damages wher
the hyzisse retourned, that the one was
warned, & that the other hath nothyng,
& the pleyntye prayed execution at hys
peryl

peril, & it was said y in so much, that the
on was not warned he mai not haue ere-
cution afoze that proces determined a-
gaynst the other.

A wyte of
fiert facias
so is such,

A wyte of fieri facias.
Ex vic. salutē, p̄cepti tibi q̄ de terris et
cat. B. in balia tua fieri fec. C. li. et ha-
beas corā Justic. nostris apud Westm. et
li die ad reddendū B. quare et in curia nostra cor-
eā Justic. nostris q̄ consider eiusdē curie nostre
ad iudicat. fuerūt p̄o dāpnis suis, qui habuit
occasione q̄ p̄dictus B. cum iniuste impediv-
p̄sētare idoneā p̄sonā ad ecclesiā de B. p̄out
per quandam inquisitionē qui p̄ te nūq̄ fecim⁹
conuictus fuerit, Telle, &c.

This wytte is Judicial and lyeth
where a mā hath recovered det or
damages in the kinges court then
he y hath recovered thal haue thys wyte
to the Shyppse cōmandyng him that he
leuy the det or the damages of the goods
of him against whō y reconere was had
and lyeth all tymes within the yere and
the day, & is glūē bi y stat of Westm. ii.
Ca. xviii. which beginneth: Cū debitū.

Addicion.

A If a fiery fac to leuy. rr. li. be directed
to y Shyppse, & he retorne qd̄ fieri feci. r. l.
quas habeo diē. &c. at which day he hath
not the monei and a new Shyppse is cho-
sen, in this case he y recovered thal haue
a Scire fac. agaynst the ancient Shyppse
to shew why he shall not haue execution
of the. r. li. & if he cā hym selfe discharge

b. 6.
c. 4.

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brentum.

Fol. clxx.

than be that recovered shall have execution against the old writ by fieri fac. or Elegit.

¶ If a man sue execution upon a statute merchant, and the landes of the recognitor are executed & put in execution, and the landes are extended to him, the recognitor may pray that the landes be delivred to extendours, and he shall have execution against them by the statute of Aston Burnel: by a fieri facias.

E. 17.
E. 3

¶ If a man hath iudgement in Detinue execution shalbe awarded by distress against the defendant, and a fieri facias of the damages.

W. 6
B. 2

¶ A wyrt of Elegit.

Res hic, salutem, Cum J. qui fuit vrox B. in curia nostra coram Justic. nostris apud W. per considerationem et studium curie recuperasset versus C. de B. xl. s. quas idem C. in eadem curia nostra tali die et an. se. cognoscere debere prefato J. vbi ei reddidisse debuit. x. li. ad festum tali etc. et x. li. ad festum tali etc. tunc pprox. sed et aliis ei nondum solutis ut dicit. Et postea eadem A. vbi in curia nostra et elegit sibi liberari omnia bona et cat. pdict. C. ppter bonos et affras de curia sua: et similiter medicare terratum suatum tenentem suorum p rationabilis prelium et extensum tenendum de liberum tunc suum iuxta formam etc. hosti inde p. s. quousque p. d. can. etc. li. inde levaverit: et ideo tibi precipimus quod omnia bona et cat. p. d. C. ppter bonos et affras de curia sua et similiter medicare terre et res suos in hac tua. eidem J. sine dilacione deliberare facias

Y. l.

facias

Ratura

fat. p. rōnabile p̄ciū et extētur tenend. ut lybere
 tēti sibi ⁊ assign. suis in form. p̄dictā quousq. r.
 li. de p̄cio. xl. li. lde. letauet. et qualiter hoc p̄ceptū
 nūc fuit executū s̄re facias iustic. nōstris ap̄d
 w. in oet. re. et habeas ibid. C. lde. re.

This wytte lyeth where a man hath
 recovered det or damages in the kin
 ges court, and the somme of the det or da
 mages may not be lenied of the goodes &
 catalles of him against whome the det or
 damages were reconered, thā he ȳ hath
 reconered shal haue this wytt byp̄ecte to
 the thyp̄t cōmaūding him that he make
 deliuere of the halfe of al the lādes or te
 nementes, and al the goodes except oren
 and beastes of his plough. And note that
 the halfe of the sayd lande shalbe reason
 bly extēded, and he shal holde the sayde
 lande, and these other goodes vnto the
 said some be leuyed of the said p̄tues and
 p̄solytes of the lande and goodes of the
 detours, and this wytt is retournable.

Addicion.

Note ye: that an Abbot reconered da
 mages, & p̄raied Elegit & it was graūted
 Annuite was reconered, & the plein
 tiffe sued ȳ f̄teri fac. & the thirise retour
 ned that he hath nothyng, & the pleyn tiffe
 p̄raied Elegit & his p̄raier was denyed
 for that, that he hath chosen f̄teri fac.

And note ye: if a mā wout ple know
 ledge in court him to be holden in det to
 paye

D. 29.
 E. 3.
 C. 20.
 E. 3.

D. 2
 E. 3

bzentum.

fol. clxx.

pay at a certayne day, the consile that not
haue this Elegit, for that, that the cogni
sour was not brought into the court by
proces of the lawe, that is to say by wryt
of Det, & so y^e Statut of West. ii. Ca. xliiii
is to be vnderstande.

A wryt of Habere fac. sesinam.

Rex vic. Saluē. Scias q^d cū A, in cū nra corā A wryt of
Justic. &c. petierit versus B, vñā mēsa. cum habere fac,
pñ in B, postea veni in eadē cū nra et voca: sesinam is
uit ad warē B, q^d quidē B. pñict mesuagiū cū p^r suchē,
ññ in cū nra &c. p^r defaultā amittit scdm q^d cōst:
deatur fuit in eadē cū nra, q^d pñict? A. recupe
ratur fuit et inde sesinā versus pñictū B, et p^r
dictur B. habere de tert^r pñicti B, ad valēt. test
et. Et ideo tibi pñipim? q^d idem A. sine dilac. ple
nam sesinā hēre fac. Et pñict? B. de tert^r pñict
tur B. ad valēt. corūde test cū pññ in loco cō
petenti hēre et assignat sesinā fac. Ceste,

This wrytte is Iudiciall and a wryt
of execution, and lieth where landes
or tenementes are recouered in the kyn
ges court, he that hath recovered shall
haue this wryt cōmandyng hym to de
liuer seison, the wryt is not retornable

A wryt of Capias ad satisfac.

Rex vic. Saluē. Et tibi, q^d nō omittas pñt ali
quā libertē &c. quin capias A, si enuē^r fuerit A wryt of
in balliua tua et cū saluo &c. Ita q^d habeas cor:
pñ eius corā Justic &c. tali die ad satisfactū B, Capias ad
tā de, xl. s. quōs B; in curia nra recognauit ver:
tas enim q^d de, vi. s. que ei adiudicat fuerit pro
dāpnis suis. que sustinuit occasiōe detētionis &c.
ññ pñicti. Et habeas ibi hoc bñe. Ceste &c.

Y.ii.

This

Natura

This wyrt lyeth where a man recou-
ret det or damages in the kynges
court, and he against whome the det is
recovered hath no landes nor tenementes
nor sufficient goodes wherof the det may
be leised, than he that recovered shall
haue this wyrt to the shirife commaun-
dyng him that he take the body of him a-
gainst whom the det is recovered, & he
shalbe put in pryson vnto satisfaction be
made to hym that recovered. And note, y
these. iiii. wyrttes next afoze, are wyrttes
of execucion.

¶ A wyrt of Capias belagatum.

**I wyrt of
Capias vt
legatum is
suche.**

Rex vic. salutē. Et tibi q non omittas ppter
aliquā libertatē in hac tua qn capias B. be
lagatū i com. B. tali die et an. ad sect B. de pla-
cto talit pout te. si inuē^r fuerit et saluo ac
Itā q hēas corp^r ei^r te, tali die inde faciat et re-
cepturū q curia nra cōsiderauit in hac pte te.

¶ A wyrt of Capias belagat inquit- ras de bonis et cat.

**I wyrt of
Capias vt
legatum in
quiritas de
bonis et cat
is suche.**

Rex vic. salutē. Precipi tibi q non te. quin per
sacrament proborum et legal hoim in eodem
com. tuo, diligenter inquiras, que bona et cat,
terre, et tē A. de B. habuit in ba. liua tua die
et anno te. vel vñq postea: quo die idem A. be-
lagat fuit ad sect B. E. pro compoto suo idē B.
D. reddo tempore quo fuit receptoz denariozum
ipsum B. prout vic. noll. Ebojaceh Iulic. nris
apud westm in decanatu sancte Trinitatis tunc
prior. sequi mand et illa per eorum sacras exē-
di et appētari fac. iuxta verum valore equide
Et ea

bzeulum.

Fol. clxxi.

Et ea que p inquis illā inuētis, in manū nostrā
capias et salvo custodire facer extēte et appie
ratione illā quā inde feceris, scire fac. Justici
nris apud westm tali die, distinet et aperte sub
sigillo tua, et sigillis eorū p quorū sacra mē extēte
et appellationē illā feceris, ac p eo: q idē A. veta
gatur liceat, et discurre in balliua tua in nostrā
et eozone nostre p iudiciū vt accipim⁹ q p dictū
B. vbi cūq in balliua tua tam infra libertates
q extra inuenies cōtigerit capias, et cum salvo
custodire facis: ita q eum habas coram Justici
nostris apud w. ad p̄fatur terminū ad faciendū
et recipiendū. q curia nostra de eo cons in hac
parte: et habas ibi hoc breue. Telle. r.

This wrytte lieth where a man hath
sued a wryt of Exigent, & he against
whom the exigent is awarded cometh
not at the day of the exigent returned,
than the pleyntye shall haue the sayde
wryt directed to p̄ thypse (of the county
where the exigēt was awarded) to take
the body of hym that is outlawed. And
some say that a man may haue as many
wryttes as he will, for that, that it is for
the kynges aduantage.

A wryt of quia Juris clamat.

Rei vic, salutē. Hec. tibi q distingas. A. per
omnia terra et cas. Et quod de exil. r. Et
q habes corpus eius coram Justici. nostris a
pud westm tali die, r. ad cognoscendū quod Ju
ris clamat in vno mē cam p̄tēti in B. q J.
de C. in curia nostra concessit B. per sine inter
eos fact et ad audiendū r. Telle.

D. lxx.

Abis

a wryt of
q iuriscla
mat is such

Natura

This wyte lyeth where I graunt the reuercion of my tenant for terme of lyfe by fyne leuyed in the kinges courte, and the tenaunt wyl not attourne, he to whome the reuercion is graunted shall haue this wyte to charge him to attourne And note if the tenaunt for terme of lyfe clayme fee simple in the tenemetes, and it is founde that he hath no fee simple, he shall recouer seison of the lande. E. r. C. 7 And he that hath fee tayle shall attourne aswel as he that hath but frehold p. Pettingham, but I suppose the lawe be contrary. And the Proses is, Somons, and dystrres infinite.

Proces.

Addicion.

C. 45.
e. 3.

Note ye if lande be lested for terme of lyfe, and the lessour graunt that the lesse shall not be troubled, for wast, & after the reuercion is graunted to a man and hys wyfe by fyne, who bringeth a Quid iuris clamat, in this case if y lesse saye that he is redy to retourne sayng to hym y bauntage of the dede, it is convenient y the husband and the wyfe knowlege the dede, otherwys the lesse shall not be compelled to attourne.

D. 44,
C. 3.

In a Quid iuris clamat broughte by an infāt, & such mater as afore is pleded the infant may not knowlege the dede.

In

In Quid iuris clamat p̄ tennant sued p. 45
that the cognisour helde the same land of C. 3
the kyng in chiefe and demaunde iudge-
ment without shewyng the kynges ly-
cencce, and then the demaundant shewed
the kynges licence or otherwys the te-
nante shuld be charged with a fyne for
that alienaciō: & then the tenat̄ attorned.

If the kyng graunt to me the seruice M. 21
of his tenant I may auowe without at- 6.3.
tournement, for I may not haue a p̄ que
seruic. noz quid iuris clari by Hardun.

A wyrt of Per que seruic.

Rex vic. solute p̄ter. tibi q̄ distt̄ A. p̄ oēs ter. A wyrt of
cas̄ ic et q̄ de ext̄is ic. q̄ habeo ic. talid̄e per que ser-
ad cognoscend̄ per que seruic. tenet vñi mess. n̄cia is
cum pertinenciis in B. quod A. de C. in curia luche,
a nostra concessit B. per finem inter eos fact̄:
Et ad audiendum ic.

This wyrt lyeth where I graunt the
seruices of my tennant for terme of
lyfe, tennant in taylor, tennant in fee sim-
ple to a straunger, by fyne leuyed in the
kynges court, this tennant wyll not at-
tourne to the same graunte, then p̄ gr̄ac̄
shal haue this wyrt agaynst the tennant
and compell him to attourne. And the
p̄oces is, somons and distres vnto the p̄oces
pareye come.

Addiction.

Note ye: yf the tennant holde of twoo M. 9
a comon, if the one graunt the seruices C. 3

p. 119.

by

Partura

by fyne the tenant shal not attourne.

H. 5.

C. 3.

The seruices of a tenant was graunted to the husband, & the wyfe and to the heyres of the husbände, & they brought a *Per que seruicia* the tenant saide that he hath acquittal of *h* cognisour, and sauing to him his acquittal he is redy to attourne, & the husband knowledged the acquittal hym and his heyres, & so note ye, that the heire of *h* husbände ought acquit the tenant after the death of *h* husbād in the life of the wyfe, for *h* wyfe may not binde her to the acquittal durynge the marriage.

A wyrt of *Quem redditu reddit.*

A wyrt of
*Quem red
ditu reddit*
is such.

*Rex vñ salutē. Pter. tibi q̄ dñk̄ B. p̄ omnes
cras 1c. Et quod de extē 1c. Et habeo corp̄
eius 1c. tali die 1c. ad cognoscendū quam reddit
reddit exētur de vno mō cum p̄tiss in A. q̄
J. de F. in curia nostra 1c. concessit B. S. p̄
nem inde inter eos factam, et ad audiendū 1c.
et habeo 1c. Teste 1c.*

This wyrt lyeth where a man graunteth to another by fyne leised in the kynges court a rent Secke, or a rente Charge going out of another mans lād and the tenaunt of the lande wyll not attourne to the graunt, thā the graunt shall haue this wyrt against the tenaunt of the lād to cause him attourne. And the Proces is as in *h* wyrt next afoze. And note ye: that these. iiii. wyrttes are Iudicial, & lyeth of fyne leuyed in the kynges court.

Addicion

hzenium.

Fol. clxxxiii.

Addicion.

In a *Quæ redditi reddit* the defēdāt *h. 30.*
demaunded he aringe of the deade of the *h. 6.*

graunt & the pleyntiffe shewed the syne
sur consāce de dzoit, & he was awardeb
to shew also þ dede for he ought to shew
cyle in this wyrt how þ rent did begyn.

And note þe: that in these. iii. wzyttes
next afore it is no plee to save that thop *h. 2.*
were not tenauntes the daye of the wzyt *h. 6.*
purchased, but ought aunswere yf they
were tenaunt the day of the note leuied,
for these wzyttes ought to be bzought a-
gaynſt him that was tenaunte the daye
of the syne lpyed.

A wzyt of *Ventre facias.*

Rex hie, salutē, Prec. tibi q̄ venire fac co-
rā iustit nris. rē. talē die, xli. rā milit q̄ a- *A wzyt de*
hos liberos et legales hoies de hñ de *h. 6.* *Ventre fac*
quozū quilibet hēat. xl. s. terre et tēst vel red- *is such.*
diti p̄ annū ad win? p̄ quos rei veritas melius
scire poterit et q̄ nec *A.* nec *B.* aliquis affirmi-
tat attingit ad recogni sup sacram suum: si w.
cōlāguineus p̄dict *A.* cui⁹ heres ipe et fuit sñ
in wapeto de *A.* cū pertiñ in dominico suo de
feodo die quo obiit. Et q̄ wē *A.* in eū nra. rē.
corā. rē. clamat vt ius suum verſus eum sicut
idē *A.* dic. vel non sicut p̄dictus *B.* dñ. Qz tā
p̄dict *B.* q̄ p̄dict *A.* inter quos inde contentio
est posuēt se in iuratā illam. Et habeas ibi no-
mina iurat et hoc bñ. Tēst. rē.

This wzytte is Iudiciall & goeth out
of the recozde, and lyeth where two par-
ties

Natura

eyes pleadeth and cometh to issue. s. by the sayinge of the countre, than the pte pleyntife or the defendante shal haue this writ directed to the shryffe that he cause to come. xii. lawfull men of the same countre to say the trowth vpon the sayde issue take. And the enquest come not at y day of this writ retourned, than shal go an Habeas corpus, and after a distress vnto they come, & when they come at y day and the defendante challenge many of the because y they are not sufficient to passe vpon the sayd issue, than y pleintife shal haue a writ that is called Octo tales, or Decem tales or as many as is nedefull.

Addicion.

20. C. 3.

Note ye, y in these cases solowynge the enquest shalbe taken by default. In a nowre scz rent seruice the pleintife pleaded out of his fee. &c. And vpon that they were at issue, & after the auowant made default, & the enquest was taken by hys default: for that, that it was y second day after the enquest iorned, but yf it were y first day, tha he shalbe destreined to here the Iure.

7. C. 3.

Note ye, that these cases solowynge the Iure shalbe taken by defaulte.

In a writ of Annuitie the defendante sayd that at the day of the making of the dede he was within age and vpon y they were

were at issue, & at the day of thenquest, & defendat made defeaute, and the enquest taken by hys defaut.

Note ye: & in these cases folowynge thought that the defendant make defaut after thenquest iorned, yet it shal not be taken by defaut, but a dyffres shal go to here the Iure. D. 11 f. C. 3.

In a waste the defendat pleadeth to & enquest, at which day the defendant maketh defaut, a dyffres shalbe awarded to here the Iure. D. 12 f. C. 3. lib. ad.

Note ye, by what challenge & arraye shalbe quashed, and by what not.

An assyle the ray shalbe challēged: for that: that the pleintyf was nere to & byshop of D. & he that arrayed the panel is tennant to the byshop, & by the byshops counsel & ray was made, & this was holden to be no challenge: for that, that the byshop was not party to the plee, except that he had sayde that they were procured to say otherwyle than trouth.

The ray was quashed in assyle: for & that it was made by & baylyse that hath married the cosyne of the pleintyse, and & they haue yssue. D. 19 f. 30. 31. lib. ad.

In assyle & ray was quashed: for & & & thirif hath baptized the sone & heyre of the pleintif & & was cōfessed by & thirys. C. 4. D. 4.

It is a good challēge to & ray to save that

Natura

that the thyrpfe is colyn to the wyfe of the pleyntyfe.

28. 26.
C. 3.
Lib. all.

In assise the ray shall not be quashed for that, that the thyrpfe hath marved þe sister of the pleyntyfe (except he say) and so the ray made in a favourable maner.

Note the causes of challenge for consanguinite.

28. 2.
29. 6.

A Jurour was challenged: for that, þe he was colyn to the wyfe of the defendant wherfore he was drawn of the panel.

C. 18.
29. 6

If an abbot bypge an action, it is a good challenge to say þe Jurour is uncle or brother to a monk of þe same place.

Note the causes of challenge for affinite.

28. 19.
29. 6.

A Jurour was challenged for that, that he hath baptizyd the sonne of the pleyntyfe and that was holden a principal challenge.

29. 3.
29. 4.

A Jurour was challenged for that, that the son of the Jurour hath marved the doughter of the pleyntyfe, and that is no principal challenge, except it be betwixt the parties selues, that the Jurour married the. &c. wherfore these triour enquired of the fauour.

In attainr one of the. xxiij. was challenged: for that, that he hath marved the sister of one of þe petit Juroures wiues and it was not allowed.

Note

bzentum.

Fol. clxxv.

**Note the causes of challenge
for insufficiency.**

In a Repleyn the defendand challē **C.4.**
ged a Jurour: for that, that he was not **D.7.**
sufficient of the frehold. s. to say þ value
of. xl. s. And by the opinion of the court
that was a good challenge: for that, that
the answer was for services, but yf the
answer had ben made for damage lesant
other wyse had ben.

In det. of. xx. li. & damages to. x. li. a **C.3.**
Jurour was challenged: for that, that he **C.4.**
may not dispend. xl. s. and for that cause
he may trete by the statute.

**Note the causes of the challenge
for the hundred.**

If a Jurours be challenged for that, **D.12.**
that he hath nothyng within the hundred **C.4.**
by the pleintyse and also by the defendand
he shalbe drawen out.

If a Jurour be challenged: for that, y **In.19.**
he hath nothyng within the hundred, y **C.2.**
tryours shal not equere if he be dwellig
within þ hundred, yf he have any thyng
within the hundred, & not of the value.

In a writ of annuite agaynst a parson **C.11.**
of a church by prescription & alleged sel- **D.2.**
son in the same countie where þ church is
in another hundred, the thyrde Juroure
was challenged: for that, that he hath no
thyng within the hundred where the
churche

D. 22.

D. 6.

in þ hundreth or þ orher he shalbe swozne
C Note ye yf one be swozne y hath suf-
 ficient in the hundred & after he sel that
 and after he is challenged so; insufficience
 with in the hundred this challenge is not
 allowable: so; that that when he was ad-
 mitte & swozne at one tyme it shalbe en-
 tended y he hath knowledge of þ matter
 now, & his knowledge by his alienacion
 may not be denestred out of his person.

C. 7.

D. 4.

D. 19.

D. 6.

C And note ye: that after that four are
 swozne of the hundred, a man shall have
 no challenge to say that he hath nothing
 within the hundred.

D. 12.

C. 3.

C A note ye: that after that a man hath
 challenge the ray & that founde agaynst
 him he may challenge the polles.

D. 7.

C. 3.

C Note ye: that when the Jurours are
 swozne, þ pties pray that they may have
 keepers that was denyed setting y court
 but after they shal have.

C. 7.

D. 4.

C In attaynt after that four of the hu-
 dret were swozne another was challen-
 ged so; the hundred, & not allowed, yet it
 was alledged that in the petit Jure that
 first passed, ought to be. iiii. of þ hundreth
 at þ least, & by the same reaso. viii. ought
 to be of þ hundred wher. xiiii. are swozne
 yf he that challenged the ray wyl challenge
 the polles he shal shewe cause of his
 challenge every tyme certaine as; þe that
 the

bzentum.

Jo. clxxvi.

the clerk peruse the panel.

A Juror was challeged for fauour & he was found by tryours that he was in different, & afoze that he was swozne he was callenged: for that, that he hath no thyng win the hundred, & not alowed.

A wyrt of Risi prius.

R Et vit. sala. Prec. tibi q. venire fac. apud westm. tale die vel corā Justic. nris ad pte mas. alias in com. tuo capiend. assign. per forma statuti inde puit. Risi die lune, .x. apud B. pri. venit 24. tā mili, .x. q. .x. vt in pzi. .x. equi nec A. nec B. .x. ad recogn. .x. Si pzedic. tbs B. tali die et anno vi et armis scz glab. .x. bona et cat. sua. iiii. sacras lane ad ualenc. .xx. marc. apud h. in com. tuo cepit et abduxit ve dic. quia tam, .x. et habens. .x.

A wyrt of Risi prius is such.

This wyrt is Judicvall and lyethe in case when thenquest is panell & returned afoze the Justices of h. banke, thā the one partie, or h. other may haue this wyrt for easement of the countre directed to the Wyrtysse, comaunding him that he cause the mē that are impa- nelled to come afoze the Justices in the same countie, & there to be determined afoze them selfe, if the mater be not so dys- fult that it may not be tryed afoze thē for thē it shalbe sede into h. bak as afoze. And nol. ye: by h. Statut of E. the. iiii. An. rliiii. Ca. xv. that this wyrt shalbe graū- ted aswel at the suyt of the tenant, as at the

Natura

the suyt of the demaundant in a wryt of Trespas yf the damages passe. xl. s. And note ye : that the Justices of the comon banke hath power to enquire by the Dissipius of pless moued in the kynges court. And yf the Justices of the comon banke maye not come, then in the same maner haue the Justices of the kynges benche power to take the Dissipius of pless moued in the comon banke.

Addicion.

In Detynue the pleyntyfe and the garnyshe were at pssue, and the pleyntyfe prayed a Dissipius and had, and the garnyshe hadde other wryt a prouysio.

Note where a man is in execution vpon a statut marchaunt and sueth Audita querela, and are at issue, a Dissipius shall not be graunted, for that, that the pleyntyfe maye not be deliuered out of prysoun.

In all cases where the kyng is partye the Dissipius shall not be graunted.

A wryt of Quale ius.

A wryt de Quale ius in such.

Rex vic. saltem. Dectas abbates de R. in rat nra recuperavit suam suam heret. B. de vno mesuagio cum pertinentiis. In C. de ius eccle sue sacre Marle de R. per dissol ip. sus B. hyeue nostru quare cessant. Et q. dubitat de fraude inter eos prelatus contra autum nostrum in quo continetur de testis sent ad mandum motuam deum quoquo modo.

cibi

Fol. clxxvii.

This wꝛyt is Iudicial & lyeth in case where an Abbot or Pꝛior or any oþer man of religion byngeth a Pꝛec. of tenns of land & the tenant maketh default after default wherby the lād is to be lost then þe same Abbot or pꝛior that hath recovered shal not haue execution of þe said lande recovered, also þe he sue this wꝛyt for the kyng to the Eschetour of þe same countye to enquire what right he þe hath recovered hath, & if he hath ryght by his wꝛyt, then the iudgement shalbe geuen for him, & shal haue execution of the land recovered. And if it be found that he hath no ryght by his wꝛyt, but that the lādes were lost by collusion betwixt hym & the tenant, then it shalbe ordered as is gene

Z.j.

bp

by the statute of west. ii. cap. xxxii. which
beginneth. Cum viri religiosi. ec. that þ
next lord þal haue the lande as his El
cheyt, if he demaunde it within the yere
after the inquisition taken. And if he de
maunde it not within the yere, than the
next lord after him þal haue þ said lade,
if he demaund it within þ half yere. And
if no lord demaund noz claime as afoze is
said, then the kyng þ is chief lord about
al other þall haue the sayd lande so reco
uered.

¶ Addicion.

¶ In a Quare impedit brought by one
K. against an Abbot, & they were at issue
and nowe the enquest come and K. was
nonsumpt, and the court awarded a wyte
to the byshop for the abbot without in
quere of the collusion.

¶ A wyte de Cape magnum.

A wyte of
Cape mag
num is such.

Rex vñ salutē. Cape in manū nostrā p vñsum
legal hoim de corā tuo vñū mes. cum pñtū in
P. q B. tenuit, r. die Aprilis anno 1c. ad qua
tūcūq; manū deuenit in pñtū tua q A. que fuit
vñōz 2. in curia nostra corā 1c. clamat in dote
versus predictum B. pzo defectu ipsius B. et
ideo 1c. Et sum 1c. predictus B. quod sit 1c. tali
die respons. et ostens. quare non fuit corā 1c. ta
li die q pñtū B. non habet aliquis terras seu
ten. in balla tua que capi possunt in manū nra
vt testat est in eadem curia quod predictus B.
tali die et an. 1c. tenuit pñtū mes. cum pñtū
vñde predictum mes. capi pot in manū nostrā,
Et habens ibi nota eorum p quorū vñsum hoc
feceris

teretis fusi, et hoc hrent. Certe, &c.

This wyte is iudicial & lieth where
A man hath brought a Wrec. q. redd.
of a thyng that toucheth plee of lande, &
the tenaunt make defaut at the daye to
hym geuen in the wytte ozygynall, then
this wyte shal go for the kyng to take the
lande into the kinges hande, & if he come
not at the day geuen by the graūd Cape
he hath lost his land. But note ye: that at
the first day of May be esoynd. And yf
at the day of the graūd Cape retournable
he cometh, he may excuse his defaut,
as to say that he was not somoned after
the lawe of the lande, & that he is redy to
make his lawe, or to saye that he was im-
pryson, or disturbed by water, & in thys
two last cases issue may be taken vpon a
uermet of the countre, & for that, that iu-
gement & knowlege of the imprisonment
or disturbance by water is to be tried
by the countre. But the fyrst case shal be
tryed as afoze is sayde.

¶ Addition.

In a Wrec. q. redd brought against one
W. filio W. in latin at the graūd Cape &
tenaunt said & where is brought against
W. son of W. our father hath a name Co-
monde, iugement of the wyte and it was
sayd that the tenaunt hath made defaute
in whose mouth no ples lyeth afoze that

Z. ij.

be

he hath saued his default but it was a war-
ded that vpon a graunde Cape the tenat
shal plede that he is misnamed in abate-
ment of the wryt afoze the default saued
& that is for the mischief of the warrant.

A wryt of Cape paruum.

A wryt of
Cape puū
is suche.

Res vlc. salutē Cape in manum nostram vñ
mes. r. q. R. in cap. nostra r. clamat vt ius
suum versus D. p. defectu ipsius D. et cum p. bo
nos cum p. dcm. D. q. lre r. tali die r. ad audien-
dam inde iudic. et habeas r. Cesse r.

This wryt lyeth in case where the te-
nant is somoned in ple of land and
cometh at the somons and his apparāce
is of recozde, and after he maketh default
at the day that is geuen to him then shal
go this wryt for the kynge. And note yet
that a petit Cape lyeth after apparāce
and a graunde Cape afoze apparāce.

Addicion.

58. p. 6.

Note ye: that in a grande Cape the te-
nant is somoned to answer to y default
and oner to the demaunded. But in a pe-
tit Cape the tenat shalbe somoned to an-
swere to the default onely, & it is called a
petit Cape: for that, that there is lesse in
this wryt then in the graunde Cape.

C. 39.
E. 3.

In a Prec. q. redd brought by a wo-
man at the Petit Cape returned, the te-
nant said that after the last continuance
the demandant hath taken a husband.
indgement

hrentum.

Fol. clxxix.

judgement of the wytte, and it was ad-
judged that, that was no plee afoze that
he hath saued his defaute.

An a fozmedon the tenaunt appered 20. 11
vpon the petit Cape, & wold haue pleded 2.3
that the demaundant hath entred after h
last continuance without sauing his de-
faunt, but he myght not, and after he plea-
ded a release of al the ryght.

A wytt of Cape ad va-
lentiam.

Rex vñ salutem Cape in manum nostram per
visus legat homin de cōm tuo de terris A.
pro defectu ipsius A. ad valentiam vnus me
cum pñ in A. & C. in cui nostrā corā Justit
nostris clamat vt ius suum versas B. vñ die
B. in eadem curia nostra coram Justit nostris
vocatis pñctis A. ad warrantandum versas
eū die captionis scire facias Justit nostris apd
W. lras tuas sigillatas: et cum sc. pñctum A. &
coram sc. tali die respons et oñs quare non
obseruauit die tibi datū pñctum suū corā Ju-
stie nostris tali die: et habeas ibi nominis eorū
quorum visum hoc feceris cum sc. Ceste sc.

This wytt lyeth where I am implea-
ded of certaine landes, and I bouche
to warrant another against whome the
somons ad warrantizand hath bene a-
warded, and the thyrife hath retourned
that he was somoned and cometh not at
the day geue, thā if the demaundant reco-
uer agaynst me I shall haue this wytt a-
gainst h bouche, & I shall recover somuch

Z. iij.

A wytt of
cape ad va-
lentiam is
suche.

in

Patura

in value of þ land of þ bouche if he hath
so much, & if þ he hath not so much, thē I
shal haue execution of such lādes & tene-
mentes þ discēdeth to him in fee symple,
oz if he purchase aft. I shal haue against
him a resomons. And if he can nothyng
say, I shall recouer to þ valne. And note
ye: þ this wzt lieth aloze apparāce. And
in the same maner lieth þ petit Cape ad
valentiam after apparauce.

CA wzt of Sum ad warrantizandū.

**A wzt of
Sum ad
warranti-
zand is
suche,**

Rex vic. salut. Sum p bonos sum A. q sit re,
fals die ad warē w. vñ mes. cū ptis in R. q
B. corā iustic. nris apd w. clamat vt ius suum
versus eū. Et vnde J. de w. in eadem curia no-
stra vocauit predit A. ad warē versus eū. et
habeas ibi sum, et hoc breue. Ceste. et.

This wzt lyeth where I bouche to
warē another man then I shal haue
this wzt against hym to the Wyse rō-
manding him that he somon the bouch
to be aloze þ Iustices at a certayn day at
which day if he come not, thā shal go the
graūd cape, & if he cōe, & aft make default
thē shal go þ petit cape, as is aloze sayd.

CA wzt of Sequatur suo periculo.

**A wzt of
Sequatur
sub suo pe-
riculo is
suche.**

Rex vic. salut. Sum p bonos sum C. q sit corā
Iustic. nris et. fals die ad warē d vñum mes.
cū ptis in R. q B. corā Iustic. nris apd w.
clamat vt ius suū versus eū. et. Ceste et.

This wzt lyeth where a Somons ad
warrantizand is awarded. And the
Wyse retourne that he hath nothyng

wherby he may be somoned, than shal go
Sicut alias et plures. And if he come
not at the pluries than shal go this wyrt
de Sequatur sub suo periculo.

CA wyrt of Champertia.

Rex hic. salutē. Dicit, tibi qd distē d p dēs ter-
rag. Et qd habeas corpus eius corā iustic.
et ad respondē quare cū inter certos articulos
quos dñs E. nūp rex Anglie annū nostrū ad emē-
dar, statū ppe sui concessit ordinat sit quod
nullus minister nō nec aliq̄s alius p pte rei que
est in p̄feto habendo negotia que sūt in placit-
eo sicut a sumatur manutenendū nec aliquis ius
suū sub huius condicione alteri dñ. stat, ac p̄-
dictus R. placitum loq̄le que est in cū n̄a. et.
inter A. et C. vrozem eius petentes et A. et B.
tenētes de. et. ac. t̄re cū p̄fisi in S. p pte huius
t̄re habendū A. assūpsit manutenendū contra for-
mā ordinatiōis p̄dictē vt ulterius facturi et
excepturi qd cū n̄a considerauit in hac parte.
Originalē inde est riel. Rex iustic. suis de hā-
co salutē. Cū iac ceteros articulos quos dñs
E. quēdā rex Angl pgentio nē ad emēdū statū
p̄fisi ut. qd null⁹ minister et⁹ nec aliq̄s p pte rei
q̄ sui p̄fio habēd ut. vt p̄ ac p̄fio loquēle sit corā
vobis p b̄re n̄s int A. petēt et B. tenent de vñō
mes. cū p̄fisi i R. p̄p̄ hui⁹ mes. habēd tā assūp-
sit manutenendū p̄tra formā ordinatiōis p̄dictē vt
accipim⁹ nos volētes ordinatiōes illā obseruari
vobis mādam⁹ qd inspectē tenet ordinatiōis p̄-
dictē vltēri⁹ in de fac qd de iure et scdm formam
ordinatiōis p̄dictē fuerit faciendū et. Ceste. et.

A wyrt of
Champer-
tia is such

This wyrt lyeth where two parties
are impleadyng, and the one of the
parties, gyueth to a strainger the halfe,

Natura

o2 pte of the lande o2 any other thyngge þ
is in ple so2 defendyng hym agaynst the
partye then the party greued shall haue
this wyzt agaynst a stranger.

99.8
C.3.

Note ye: that it is no diuersite whe-
ther the pte sel þ land hangyng the wzt
& where he giueth the land: for that, y it
is phibet by þ law. For a mā may make
a feoffmēt to his ble hanging the wzt.

C.6.
C.3.

The father & sonne are, & the father is
impleaded, and hangyng the suyt he in-
feoffeth his sōne, this is no Champertie
for by ever y lawe it is entended that the
sōne ought aide his father. Loke þ statut
De articulis super cartas, cap. xii.

99.26
B.2.

Note ye: y it is sayd, y if a mā sell his
lāde to me & after þ land is demaunded a-
gaynst him by wzt, & he hangyng þ wzt
make lyuere & seylon to me of þ same lāde
that is no Champertie for that, y the bar-
gayne was not made for suche cause.

99.42
C.3

In det it is alwarded. ec. y if I byyng
a wzt of Formedō agaynst one B, in the
name of one W. yf I recouer w my own
costes & thā B. me feoffe y is chāpte. ec.
But if I refuse to take the feoffmēt
for doubt of champertie, & cōmaund
B. to make a feoffmēt to ano-
ther that is no champertie.

ec. quere.

F F F F F

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NEW
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1609
TO
1812
BY
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1812